

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

March 3, 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 March 3, 2020 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

INVOCATION: Pastor John Padula with the Altar Church provided the invocation.

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

PUBLIC COMMENTS:

David Passaro, Coeur d'Alene, expressed concern for safety and liability of the City regarding the encroachments on the sidewalks in the downtown area. He said that people struggle to navigate the sidewalk around the outside seating areas. He recently measured six locations that are encroaching too far into the sidewalk area. He also noted that the \$125.00 encroachment permit fee is too low for commercial use of sidewalks, and the City should charge more, which could help pay for more code enforcement officers. Mayor Widmyer noted that staff will look at the measurements.

PROCLAMATION OF LAKE COEUR D'ALENE WATERKEEPERS DAYS - MARCH 12 AND 13, 2020: Mayor Widmyer proclaimed March 12 and 13, 2020 as Lake Coeur d'Alene Waterkeepers Days. The proclamation was accepted by Doug Fagerness, Film Festival Board Member. He reaffirmed how important the health of lake is for the future of the community. He noted the following events: March 12, 2020, Schuler Auditorium, 6:30 p.m., they will host the "Wild and Scenic Film Festival" and Friday, March 13, 2020, Coeur d'Alene Library, 6:30 p.m., the film "The Wild" will be broadcast. Mr. Fagerness encouraged the community to attend.

TUBBS HILL FIRE MITIGATION UPDATE: Parks and Recreation Director Bill Greenwood, and Fire Chief Kenny Gabriel, announced their intent to do a fire mitigation burn on Tubbs Hill approximately the second week of April. Fire Chief Gabriel explained they are

waiting for the correct environmental conditions to do the burn, so the dates need to be a bit flexible and also noted that they are working with Shane O'Shay from Idaho Department of Lands (IDL) to confirm when the conditions are right; otherwise they will not be able to burn. Mr. Greenwood explained that the fire mitigation helps to reduce the risk of future fires and that it is safer to complete the burn in the spring rather than the end of the season when conditions are much drier. Fire Chief Gabriel noted that the Friends of Tubbs Hill expressed a concern about a year and a half ago and said that the best way to mitigate is to do a controlled burn and minimize the risk of a catastrophic fire. Mr. O'Shay noted that IDL does about 6 or 7 burns like this annually and said that they have not done a Tubbs Hill mitigation effort since 2002. Fire Chief Gabriel said that their concern is to keep fire from cresting over the top of the hill, so fire control is very important. Additionally, they will mitigate any direct ignition within 100 feet of the shoreline. Councilmember Miller asked if the website will be a good location for the public to find information on the date and time of Tubbs Hill activity. Fire Chief Gabriel said that when they get dates set and ready to do any activities on the hill, they will begin daily updates on the city website www.cdavid.org. Mr. Greenwood said that they would also place signs at the entrances to the hill.

ANNOUNCEMENTS:

Councilmember Wood noted that at the last North Idaho College Board of Trustees meeting they received a presentation on the Census. The Mayor said that the City recently began broadcasting a PSA regarding the Census. The City Clerk noted that this is the first year one can electronically file their information and she will coordinate another presentation to the Council when the Census website for early submittal goes live.

Mayor Widmyer asked for confirmation of John Schwandt to the Urban Forestry Committee, Elaine Price to the Parking Commission, and Beth Ann Fuller to the Childcare Commission.

MOTION: Motion by McEvers, seconded by Miller to appoint John Schwandt to the Urban Forestry Committee, Elaine Price to the Parking Commission, and Beth Ann Fuller to the Childcare Commission. **Motion carried.**

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

1. Approval of Council Minutes for February 18, 2020.
2. Approval of General Services/Public Works Subcommittee Minutes for February 24, 2020.
3. Approval of Bills as Submitted.
4. Setting of General Services/Public Works Subcommittee meeting for March 9, 2020 at 12:00 noon.
5. Approval of a Cemetery lot repurchase from Michael and June Perez for Lots 25, 26; Block 2; Section N in Forest Cemetery
6. Approval of a Cemetery lot repurchase from Rachel Perez for Lot 24; Block 2; Section N of Forest Cemetery
7. **Resolution No. 20-014 - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, FOR: APPROVAL AND ACCEPTANCE OF A WATER TRANSMISSION PIPELINE AND FIRE HYDRANT EASEMENT FROM**

THE FOREST SERVICE LOCATED ALONG KATHLEEN AVENUE; APPROVAL AND ACCEPTANCE OF A UTILITY EASEMENT FOR WATER LINE FROM CENTENNIAL PINES, LLC., FOR PROPERTY LOCATED AT 3773 N. RAMSEY ROAD; AND APPROVAL OF AN ARTWORK LOAN AGREEMENT WITH THE IDAHO CHARACTER FOUNDATION, D/B/A IDAHO WILDLIFE MUSEUM, FOR THE SCULPTURE BY LORENZO GHIGLIERI TITLED “UNCONQUERED.”

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

RESOLUTION NO. 20-015

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING A TRAFFIC CALMING POLICY FOR THE CITY.

STAFF REPORT: City Engineer Chris Bosley explained that Streets & Engineering staff regularly respond to community concerns regarding traffic speeds. Cities throughout the United States are learning that traffic calming (reducing motor vehicle speeds) is an important tool for improving safety and livability for their residents. Speeding is a major problem with serious consequences. Speeding increases the likelihood of being involved in a crash and increases the severity of injuries sustained in a crash. Mr. Bosley noted that he presented to the Public Works Committee a year ago and received some feedback on the proposed traffic calming policy and revised it for tonight. He explained that each year there is funding provided to the Streets and Engineering budget for approximately \$40,000, and noted that he receives police safety data that includes crash data. He further commented that often education can be effective and that neighborhoods can get involved and simple yard signs can also be effective. He clarified that arterial streets are not intended to be included in the policy and that collectors often act as arterials and residential streets are prioritized. He presented the KMPO map of each street and its designation. Mr. Bosley stated that another question he receives is how speed limits are set, and he explained that Federal or State codes set maximum limits and the local code adapts to local streets. He further explained that current needs are based on complaints and speed data collected through various measurement tools. The measurement devices create a report that shows what percentile of the speed is occurring on the street and how much traffic flows through the street in one day. The policy will set the prioritization based on set data and will allow for consistency and efficiency of staff time. Mr. Bosley reiterated that higher speed accidents cause more damage and, when involved with pedestrians, cause more deaths.

DISCUSSION: Councilmember McEvers asked if the annually budgeted funds are used for research or mitigation items. Mr. Bosley explained the funds go toward actual items that are prioritized by need. Councilmember McEvers asked what the 85th percentiles in a speed study mean. Mr. Bosley explained that it means that 85% of the traffic travel the speed limit or less. Councilmember Wood asked if the Engineering Division works with the Police Department in crafting the policy. Mr. Bosley said that he provided them with the draft document and worked with input from Police and Fire Departments. Councilmember English asked if there were ideas for areas without sidewalks, wherein people walk in the street. Mr. Bosley said he has not included the construction of sidewalks into the policy. He noted that neighborhoods can form

local improvement districts or business districts so they can get traffic calming improvements funded through those methods as well. Councilmember Miller noted that there was a traffic calming petition form within the packet, and asked if it would be required. Mr. Bosley explained that if items suggested would be controversial, he would recommend use of the form so that the neighborhood could get two-thirds support before it is implemented. Councilmember Miller asked for clarity as to when the policy is implemented versus asking the neighborhood to determine the fix. Mr. Bosley said that he would not require the signatures for a lot of the lower level measures, but if there were curb extensions or speed humps that would be something that would be a more intense fix and he would want feedback from the neighborhood. Councilmember Miller asked if the policy had an appeal process. Mr. Bosley said that there is no appeal process; but, rather, the applicant would make another request after two years or when a study is done, they can reapply.

MOTION: Motion by McEvers, seconded by Miller to approve **Resolution No. 20-015;** Approval of a traffic calming policy.

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

APPROVAL OF THE REALLOCATION OF THE DEPARTMENT SPECIALIST POSITION IN THE WATER DEPARTMENT TO ADMINISTRATIVE ASSISTANT.

STAFF REPORT: Water Superintendent Terry Pickel explained that the Water Department has had one Administrative Assistant position for many years and they have an expanded need for an additional administrative assistant. In FY 2016, an Administrative Support I/Receptionist position was added to the budget to aid the Administrative Assistant with the overwhelming workload. The idea was to bring in someone new at the most basic level, and then to train and evaluate their ability in anticipation of reallocating the position based on department needs to an Administrative Support II position, which existed prior to the last BDPA job study. Also, in 2017 the Administrative Support II position was eliminated per the BDPA job study as subsequent evaluation of the classification indicated the Administrative Support II classification's primary functions, and related skill and knowledge sets, were performing duties equivalent to the Administrative Assistant classification. As a result, the two Administrative Support II classifications in the City at that time were reallocated to Administrative Assistant, pay grade 10. This all occurred prior to the current employee's date of hire. Water Department staff requested that this position be budgeted at a higher paygrade, due to the duties that were being performed, in the annual budgeting process for Fiscal Year 2020, and the allocation was approved by Council. Since the employee is currently performing the required duties of the Administrative Assistant's position, it is the recommendation of the Water Department staff, supported by the Human Resources Director, that the current Department Specialist classification, pay grade 5, be reallocated to the Administrative Assistant classification, pay grade 10. Since discussion has taken several months into the 2020 fiscal year to resolve, there are enough allocated funds in the current budget to cover the position at paygrade 10 without impact to the wage and benefits line items. If approved, the 2021 budget will reflect the grade 10 position allocation to begin March 16.

DISCUSSION: Councilmember Wood said that she felt there were two issues. One is an employee working out of classification and they should be temporarily paid as an immediate resolution. The other issue is creating a permanent Administrative Assistant position, which she believes should come back through the budget process. Mr. Pickel said that they had not thought about a temporary pay for the out-of-classification compensation, but would prefer to make it a permanent position.

MOTION: Motion by Wood, seconded by English to ask the City Administration to pay for an Administrative Assistant, temporarily out-of-classification, for the remainder of the fiscal year and have the Water Department make a formal request during the budget process for a permanent allocation.

DISCUSSION: Councilmember Gookin said that he met with Human Resources and one of the drawbacks is the temporary compensation is allowed for one month in the Personnel Rules. He noted that Council are policy makers and they set the budget, and that this is a management issue. He stated that he is in favor of the request coming through the budget. Mr. Tymesen said that the timeline is a problem, as well as the five-pay grade difference. If they keep the position at a pay grade five, they would have to pull the additional duties through the remainder of the year. Councilmember Wood clarified that it could be a temporary assignment to Administrative Assistant throughout the rest of the year, then a request for a permanent placement at budget time. Councilmember McEvers noted that the City does budget amendments regularly, and felt that a permanent position should be granted. Councilmember Miller said that she understands that the person was scheduled to be moved to a pay grade 8, which is no longer available, and a pay grade 10 is the next available grade. She said that since there is no other classification it would be the same request during the budget process, and that the work is not going away, and the person will be compensated at the same level. Therefore, she commented that she does not think it is a benefit to do a temporary assignment. Councilmember Wood said that making it permanent position should be discussed as to whether two positions are needed and it should not be done mid-budget year. Councilmember English said that he felt it was clear that the duties are being done for the higher level and they should treat the employee fairly with immediate compensation. He further stated that he does not have a concern about a budget discussion during the budget cycle, and that the City does budget amendments and can have that discussion at another meeting. Mayor Widmyer asked for clarification regarding the “30 days in an out-of-classification position meaning they are compensated after the 30 days”. Mr. Tymesen confirmed that that is how it works. Councilmember McEvers said that this would be the same presentation that they would see at the budget time so he does not think it should be kicked down the road. Mr. Pickel expressed concern that if it is not approved at budget time, it would affect the employee’s morale. Councilmember Wood said that she felt that a discussion during the budget process would allow Council to consider what other department needs are and if the positions should be equal. Councilmember Miller concurred with Councilmember McEvers that they didn’t need to wait, as the position can’t be allocated to anything other than a pay grade 10.

ROLL CALL: Wood Aye; Miller No; McEvers No; Gookin Aye; English Aye; Evans No.
Motion Carried with the Mayor voting in the affirmative.

COUNCIL BILL NO. 20-1001

AN ORDINANCE AMENDING SECTIONS 10.32.140 AND 10.32.270 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO RAISE THE SPEED LIMIT ON N. 3RD STREET FROM E. HARRISON AVENUE TO E. SPOKANE AVENUE FROM THIRTY MILES PER HOUR TO THIRTY-FIVE MILES PER HOUR, AND TO LOWER THE SPEED LIMIT ON N. 3RD STREET FROM FRONT AVENUE TO E. HARRISON AVENUE FROM THIRTY MILES PER HOUR TO TWENTY-FIVE MILES PER HOUR; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

STAFF REPORT: City Engineer Chris Bosley explained that most downtown streets have a 25-mph speed limit. The character of streets is noticeably different north of Harrison Avenue as opposed to south of Harrison Avenue. For example, North 3rd Street is generally residential in nature, contains many more driveway and street intersections, and has on-street bike lanes, on-street parking, and potential site obstructions. In conversation with the Police Department, it was determined that N. 3rd Street had the most support for a speed reduction. To be consistent with other streets south of Harrison Avenue and to improve safety for motorists, pedestrians, and bicyclists, staff recommends reducing the speed limits on N. 3rd Street to 25 mph through to downtown. Due to this, the speed limit between E. Harrison Avenue and E. Spokane Avenue should be raised to 35 mph because the speed limit from E. Spokane Avenue north to Annie Avenue is already 35 mph and it would be unnecessarily confusing and inconsistent with good traffic control practices to have one block at 30 mph bounded by 25 and 35 mph zones.

MOTION: Motion by McEvers, seconded by Gookin, to dispense with the rule and read **Council Bill No. 20-1001** once by title only.

DISCUSSION: Councilmember Evans thanked staff for bringing this forward, as she has talked to many citizens who live on 3rd Street that have witnessed the accidents at that intersection and it would increase safety. She commented that she owns property on 3rd, but it is not a conflict.

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

MOTION: Motion by McEvers, seconded by Miller, to adopt **Council Bill 20-1001**.

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

COUNCIL BILL NO. 20-1002

AN ORDINANCE AMENDING THE CITY CODE, CHAPTER 17 ENTITLED "ZONING," TO PROVIDE FOR AMENDMENTS TO SECTION VIII "HOME OCCUPATION REGULATIONS," SPECIFICALLY TO THE FOLLOWING SECTIONS OF THE CITY CODE: 17.06.715: HOME OCCUPATION CERTIFICATE REQUIRED; 17.06.720 (A):

CONDITIONS APPLYING TO HOME OCCUPATIONS IN ALL ZONING DISTRICTS; AND 17.06.725: ADDITIONAL CRITERIA FOR CONDUCT OF HOME OCCUPATION IN ALL RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF THE FOLLOWING SECTIONS OF THE CITY CODE; PROVIDING FOR THE REPEAL OF OTHER CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

STAFF REPORT: Deputy City Clerk Kelley Setters explained that the Home Occupation Regulations fall within Municipal Code Title 17, of the Zoning Code, which required the item go before the Planning Commission prior to coming before City Council. She noted the Planning Commission recommended the Council approve the amendment unanimously. She explained that the Childcare Commission was formed to oversee the rules and regulations of the City of Coeur d'Alene regarding licensed in-home and facility childcare. The Commission's duty is to ensure the City meets the need of both parents and providers, and to promote a safe and healthy environment for childcare, with ongoing education required for providers. The Commission meets monthly. On February 11, 2020 a public hearing was held before the Planning Commission to make changes to the current code to provide that home-based childcare providers are authorized one (1) non-resident employee. The need for quality, affordable in-home childcare is a growing problem. Since 2010, in-home childcares have declined, which decreases the availability of the least expensive care option for working families, especially for infants. The local United Way organization has created a taskforce to seek ways to encourage more childcare options within the area. It noted, in an article in the Press on October 11, 2019, "there is an actual inventory shortage of childcare options." The City of Spokane conducted a recent study of the Spokane region and its childcare needs. Its key findings included that parents were unable to access affordable childcare for half a year or more and had challenges trusting a childcare provider. Ms. Setters noted that the City's childcare code provides elements that they believe net quality childcares; however, there is still a lack of availability and they believe the code change will assist with some of the challenges for an in-home childcare provider. In-home childcare providers may have up to nine (9) children with one provider, without an additional provider on-site; however, it can put a provider in violation of the city and state requirement of being within sight and sound of children at all times (for example, if a child needs to go to the restroom). The current home occupation code does not allow home occupations to have employees, unless they are a resident and a family member. The commission is seeking approval for only childcares to have the option of one (1) non-resident employee, and request that language be added to clarify that an outdoor play area is required by the Childcare Code Section 5.68.030. Ms. Setters said that it should be noted that the maximum number of children would not change with the code amendment. The maximum number of children in an in-home childcare facility would remain at nine (9), which is established by city code. Additionally, allowing one (1) non-resident employee would generate two additional vehicular trips to/from the facility each day that would not have a significant impact on the neighborhood. Home occupations are limited to a maximum of twenty (20) trips per day per section 17.06.720 (C). By allowing one non-resident employee, the total trips would still stay within that threshold. The proposed changes to the Code would only apply to in-home childcare facilities. Other home occupations would not be allowed to have employees other than members of the resident family, except by special use permit as set forth in the existing code.

The proposed code amendment also clarifies that an outdoor play area must be provided for in-home childcare facilities. This is also a slight deviation from other home occupation businesses that are not allowed to operate outdoors, other than agricultural uses where such uses are permitted. The proposed code amendment also clarifies that in-home childcare facilities are not allowed to operate in an apartment building or condominium where there is common ownership, unless they obtain a special use permit.

MOTION: Motion by Gookin, seconded by Evans, to dispense with the rule and read **Council Bill No. 20-1002** once by title only.

DISCUSSION: Councilmember McEvers noted that there is an inventory shortage, but wanted assurance that the proposed ordinance change would not diminish the standards. Ms. Setters confirmed that it is not a downgrade to standards; but, rather, it would add the necessary language to enable in-home care providers to be within sight and sound of the child. Sam Tuskan, with Panhandle Health, noted that some providers did close their business because they were not able to meet the ratios, and that is one reason for bringing the proposed changes forward.

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

MOTION: Motion by Gookin, seconded by Evans, to adopt **Council Bill 20-1002**.

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

RESOLUTION NO. 20-016

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO,
APPROVING AMENDMENTS TO THE COEUR D'ALENE CIVIL SERVICE RULES.

STAFF REPORT: Deputy Fire Chief Tom Grief noted that the general purpose of the Civil Service Rules is to provide information and standards for the Coeur d'Alene Fire Department Local 710 by assuring all persons in the classified service receive fair and impartial treatment. He noted that the following are the proposed amendments to the Civil Service Rules: Age of applicant at the time of written exam amended from age 19 to age 18; Adding pre-employment drug and alcohol test as part of successful hiring process (this is currently the standard practice, but isn't stated in the rules); Adding that the applicant's medical/physical examination will be done by the department's designated physician (this is current standard practice, but isn't stated in the rules); General housekeeping. Deputy Chief Grief noted that the proposed amendments will bring the rules up-to-date regarding the qualifications desired by the Coeur d'Alene Fire Department Local 710, and are supported by the Fire Chief. The Civil Service Rule amendments were reviewed and approved by each of the Civil Service Commission members.

MOTION: Motion by Evans, seconded by Miller to approve **Resolution No. 20-016;** Approving Amendments to the Civil Service Rules.

DISCUSSION: Councilmember McEvers asked for clarity as to what the purpose of the Civil Service rules are. Deputy Chief Grief explained that the Civil Service rules are a policy that covers items outside of the scope of the collective bargaining agreement, such as hiring, disciplinary action, grievance procedures, and sets out that appeals go through the Civil Service Commission. He noted that it provides a good avenue to regulate the entry-level testing process and move away from subjectivity of the hiring process and promotional process.

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

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

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

The City Council entered Executive Session at 7:31 p.m. Those present were the Mayor, City Council, City Administrator, and City Attorney. Council returned to regular session at 8:19 p.m.

ADJOURN Motion by Gookin, seconded by English that there being no other business this meeting be adjourned. **Motion carried.**

The meeting adjourned at 8:19 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC
City Clerk