

# Coeur d'Alene

## CITY COUNCIL MEETING

*February 18, 2014*

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**MEMBERS OF THE CITY COUNCIL:**

**Steve Widmyer, Mayor**

**Councilmen Adams, Edinger, Evans, Gookin, McEvers, Miller**

# CONSENT CALENDAR

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL  
FEBRUARY 4, 2014**

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene Library Community Room, February 4, 2014, at 6:00 p.m., there being present upon roll call the following members:

Mayor Widmyer

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

**CALL TO ORDER:** The meeting was called to order by Mayor Widmyer.

**INVOCATION:** Paul Van Noy, Candlelight Church provided the invocation.

**PLEDGE OF ALLEGIANCE:** The pledge of allegiance was led by Councilmember Adams.

**AMENDMENT TO THE AGENDA:** **Motion** by Gookin, seconded by McEvers to add approval of Bills as Submitted to the Consent calendar. **Motion Carried.**

**PRESENTATION: Vision 2030 Update**

Dr. Charles Buck stated that the group is over half way through the project and should be complete in June. He thanked the project sponsors that include the City and many local businesses. They have been collecting data and have been asking what is the community vision for 2030 and presented a review of the quantitative and qualitative data collected. He presented the vision created, which is now posted to their web site at [www.cda2030.org](http://www.cda2030.org). Mayor Widmyer encouraged others to be involved and expressed the project's importance to the community.

**PUBLIC COMMENTS:** Mayor Widmyer called for public comments with none being received.

**CONSENT CALENDAR:** **Motion** by McEvers, seconded by Gookin, to approve the Consent Calendar as presented.

1. Approval of Minutes for January 21, 2014 and January 23, 2014.
2. Approval of Bills as Submitted
3. Setting General Services and Public Works Committees meetings for Monday, February 10th at 12:00 noon and 4:00 p.m., respectively.
4. Setting of Public Hearings:

- a. V-14-1 – Vacation of portions of Foster Avenue and Milwaukee Drive R/W adjoining Kootenai County offices parking lot for March 4, 2014.
- b. V-14-2 – Vacation of the utility, Ingress/Egress and Trail Easement in Tract “C” of the Riverstone West First Addition Plat for March 4, 2014.

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

#### **COUNCIL ANNOUNCEMENTS:**

Councilmember Adams expressed condolences to the family, Tribe and Plummer community for the recent loss of children that fell through the ice.

Councilmember Gookin stated that the Street Department crews are plowing the best they can, and if citizens have concerns please contact the department directly at 769-2234. Please remember that they do not plow ice, but can put sand down. Recently there were some arrests in Boise regarding the “add the words” campaign. He stated that it has been six months since the City passed its anti-discrimination ordinance and the Legal Department stated that no complaints have been filed with the City and one was handled by the Human Rights Taskforce.

Councilmember Edinger reminded residents and the businesses that the City does have an ordinance requiring sidewalks be shoveled and encouraged all to do so.

**APPOINTMENTS:** The Mayor requested the appointment of Rick Green to the Design Review Commission; Kris Buchler to the Natural Open Space Committee; and Thomas McTevia to the Pedestrian & Bicycle Advisory Committee.

**MOTION:** Motion by Edinger, seconded by McEvers to approve the appointment of Rick Green to the Design Review Commission; Kris Buchler to the Natural Open Space Committee; and Thomas McTevia to the Pedestrian & Bicycle Advisory Committee.

**Motion Carried.**

**ADMINISTRATOR’S REPORT:** Ms. Gabriel stated that one of the primary objectives of the City’s Street Department is to provide a plan for the safe and orderly movement of emergency equipment, vehicle traffic, and pedestrians through the City. A snow plan has been developed that is updated each year to facilitate this objective as it relates to street maintenance during adverse weather conditions. The procedures presented in this plan serve to outline the manner in which Street Department crews manage the challenge of snow control. If you need assistance, please contact the Sherriff’s labor program at 765-6232. As the sub-25 degree temperatures continue, St Vincent de Paul’s shelter will always be open from 7:00 pm-7:00 am. Transportation will be leaving from the St Vincent de Paul Community Dining Hall at 6:45pm, and will transport back the next morning. The Post Falls shelter is located at 202 W. 7th Street in Post Falls, behind the Post Falls St Vincent de Paul Thrift Store, in the Kamps Apartment basement. St Vincent de Paul is able to shelter 65 individuals and will have available sleeping bags, blankets, gloves, stocking caps, coats, a full bathroom, warm food and drinks. City residents

recycled nearly 418,000 pounds of materials in December, the most recorded over a one-month period since single-stream curbside recycling was introduced in the city in October, 2010. That's a 13% increase over December, 2012. McEuen Park work continues through the recent wintry conditions. Crews are continuing their preparation work to pour the last segment of sidewalk on the north side of Front Avenue between Fifth and Sixth Streets. Meanwhile, the large and colorful play fixtures for the giant splash pad have been moved to the site and are expected to be installed soon. Weekly McEuen Park updates will continue to be posted on the city's website, [www.cdaid.org](http://www.cdaid.org), and blog, [cdacity.blogspot.com](http://cdacity.blogspot.com). These updates will also be provided to the local media. The park is expected to open in May. For questions contact Keith Erickson at 208-819-0907. The Panhandle Parks Foundation, formed in 2003 to support the development of parks, open space and recreational opportunities in North Idaho, is seeking new board members. A board member recently stepped down and the foundation's executive board would like to replace that individual and perhaps add up to four board members this year. The board meets once a month. For information, contact Kim Stearns at [kim@panhandleparksfoundation.org](mailto:kim@panhandleparksfoundation.org). The city currently has several volunteer board openings for citizens who would like to offer their expertise on a wide range of topics. Board openings include the Arts Commission, Planning Commission, CDA TV Commission, Pedestrian & Bicycle Advisory Committee, Urban Forestry Committee, and Jewett House Advisory Board. For information on these positions, contact the city at 666-5754, or email [amyf@cdaid.org](mailto:amyf@cdaid.org) to request an application. Additionally, a search is under way for a Coeur d'Alene resident to participate in the process of hiring the Lake City's next police chief. Mayor Steve Widmyer has formed a 14-member committee to interview candidates and there is a vacancy for a community-at-large representative on the panel. Any city resident is welcome to apply for the at-large position. The city requests candidates to provide a reason for their interest in serving, along with a resume. The committee will conduct a nationwide search for candidates, with a regional focus. The process for conducting the search will be decided by the committee, which is expected to convene in early February. The deadline to apply is this Friday, February 7th. For more information and to obtain an application, contact Coeur d'Alene Human Resources Director Melissa Tosi at 769-2205 or email her at [melissat@cdaid.org](mailto:melissat@cdaid.org). Coeur d'Alene Police are investigating the theft of a popular and very identifiable piece of art from Riverstone Park, affectionately known as "Kate." It appears that it was a very sophisticated effort, and the perpetrators probably used industrialized bolt cutters. The artwork is estimated to be worth about \$25,000, though if recycled the stolen pieces would be worth much less. Anyone with information about the theft is asked to call the Coeur d'Alene Police Department at 769-2320. Thanks to a cooperative effort between the city of Coeur d'Alene and the Coeur d'Alene School District, students at a local elementary school now have a new piece of playground equipment. At the request of the students, city officials last week installed a "funnel ball hoop" at Sunset Park, located about a block from Pathways School on Best Avenue. The project was prompted by a letter written last fall to the Mayor and Superintendent reading, in part, "We would like our playground at Sunset Park to be improved ... things that would make or recess more exciting." Pathways teacher Melissa Mello encouraged her students to pursue the park upgrade – not just for fun, but for the learning experience as part of a writing assignment. The equipment was provided by the School District, and city officials painted and installed the funnel ball. She wished a Happy Birthday to City Attorney Mike Gridley.

**PUBLIC WORKS: Approval of an Application and Allotment of Matching Funds for a Community Choices Grant for the Installation of Sidewalk & Multi-Use Path Along the South**

**Side of Seltice Way, from Northwest Boulevard to a Point Approximately 1000' West of the Seltice Way/Prairie Trail Bridge.**

Councilperson McEvers stated that Public Works Committee thought it would be good to bring this item forward for discussion with the entire City Council and asked City Engineer Gordon Dobler to present the map regarding the location of the potential trail that the grant would cover.

**STAFF REPORT:** Mr. Dobler stated that this grant opportunity arose quickly and would provide Federal funding for the installation of sidewalk on the south side of Seltice Way. The application is due before the end of February with funds available next fiscal year. The grant is for a maximum of \$500,000, and the proposed project would go to the end of existing city right-of-way. There is usually a 7.34% match and in order to raise the chances of being awarded he recommends a 20% match that would come out of impact fees. Councilperson Edinger asked for clarification as to the project location. Mr. Dobler stated that it would start in front of Riverstone, where there is no sidewalk, and end near the old railroad bridge. Councilperson McEvers stated that there was discussion at the Public Works Committee meeting as to whether it was sidewalk or a trail. Mr. Dobler stated that it will be practically a 5' sidewalk then where the right-of-way widens it goes to 10'.

Councilperson Miller asked about the 450' exception to install sidewalk, and if that was an antiquated ordinance. Mr. Dobler stated that it was older than 20 years, prior to him working for the City. Councilperson Miller stated that the project abutting this site did not need to install the sidewalk due to this exception. Councilperson McEvers said that it brought up the question as to why the newly constructed hotels do not have to install the sidewalk and now the City is seeking a grant to install. He stated he is interested in what the 450' exception is all about and if it is appropriate now. He is supportive of the grant and sidewalk going in. Councilperson Adams asked if the grant was coming through the state and if the money is already there or if it is to come in later. Mr. Dobler stated he did not know specifics regarding the fund transfers. Councilperson Adams asked what other ways this project could be funded. Mr. Dobler stated that it could be an LID or funded directly by the City. Mayor Widmyer asked if we have gone through a similar grant process previously. Mr. Dobler stated that the City had applied for previous grants under similar programs. Mayor Widmyer asked if the 20% match was a different strategy for this grant. Mr. Dobler stated that he opted for the 20% due to the amount of the grant in that it would be a digestible amount, versus 20% of a multi-million dollar grant. Councilperson Gookin asked if they have done a grant that has ever been on such a tight time constraints. Mr. Dobler explained that the Pedestrian Bicycle committee has previously approved this route.

**MOTION:** Motion by McEvers, seconded by Miller to approve the application and allotment of matching funds for a Community Choices Grant for the installation of sidewalk and Multi-use path along the south side of Seltice Way.

**DISCUSSION:** Councilperson McEvers stated that he understands the speed of this request and believes it is a great way to fund the project; however, it still bothers him that new construction was not required to put in the sidewalk. Councilperson Gookin stated that he is also bothered about other developments being required to install sidewalk, yet newer construction not being held to the

same requirement. He agrees that it is unsafe to have people walking in the street. He reiterated the City Council's request to have a workshop regarding sidewalks to clear up future issues.

**Motion carried.**

**OTHER BUSINESS: Lake City Development Corporation (LCDC) Annual Report**

Ms. Gabriel stated that LCDC has submitted their annual report, which was provided in the Council packet. A City Council Workshop with LCDC will be held February 27, 2014 at noon in the Library Community Room and it will be televised. The Mayor reiterated that he wanted to take the proper amount of time on this subject, which is why he requested the workshop.

**PUBLIC HEARING: (Quasi-Judicial) Appeal of PUD 1-83M.3, modification to the Coeur d'Alene Resort PUD**

Mayor Widmyer stated that he leases space and owns property with the General Manager of the Resort, but has no legal conflict. He asked if there were other conflicts or ex parte communication to disclose. Councilperson Evans stated that she served on the Planning Commission in December; she consulted with the City Attorney's office and was informed that she can participate in this hearing. Councilperson Edinger stated that he has a son-in-law that works for the Hagadone Corporation but does not have a legal conflict. Councilpersons McEvers and Miller stated that they had watched the Planning Commission meeting on T.V.

**Staff Report:** Interim Planning Director Warren Wilson stated that the purpose of tonight's hearing is to consider the requested modification to the Hagadone Resort PUD that has been in place since 1983. The Planning Commission approved the amendment which was appealed by Sid Smith. He clarified that this is a new hearing. He reviewed the area of the PUD boundaries, and proposed PUD changes. He clarified that the Municipal Code that deals with PUD amendments includes any provisions in Title 12 and 16, and that Title 12 includes street tree requirements. He reviewed the finding requirements and service analysis from the staff report. Trail standards were noted as an area for discussion, which was presented to the Pedestrian Bicycle Committee in July. That Committee requested the addition of a condition requiring a gentler turn radius at Second Street and Sherman Avenue. The other condition is that the originally proposed restaurant or other facility in the vicinity of the boardwalk bar cannot be constructed and is removed from the PUD as the circular parking lot was proposed to tie to that future use.

Councilperson Edinger stated that Coeur d'Alene is known as Tree City USA and has received that award for the past 20 years and he has an issue with removal of trees on Sherman Avenue. He asked what the reasoning was for the removal. Mr. Wilson stated that it is referenced by the applicant that it would improve views and vistas to the lake. Councilperson Gookin stated that there are 8 items listed as amendments, but no copy of the PUD. Mr. Wilson stated that there is no one document that references the PUD, but it is a conglomeration of documents and maps. He clarified that the PUD is essentially what exists today, with the exception of the restaurant near the boardwalk that was never built. Councilperson Gookin asked if all the other PUD stipulations would still remain in effect. Mr. Wilson stated that they will be intact, only the proposed changes will change. Councilperson Gookin is concerned that he did not get to see all the PUD documents and wondered

if a restaurant were ever built would more parking be required. Mr. Wilson stated that the parking structure would cover the parking needs and that the circular parking lot was intended as a pick up and drop off point. Councilperson Gookin asked if the circular lot is on public or private property. Mr. Wilson stated both; mostly on resort property with a bit on the First Street right-of-way.

Mayor Widmyer read the rules for the Quasi-Judicial hearing.

**APPLICANT:** John Barlow, Coeur d'Alene, stated he will be speaking on behalf of the Coeur d'Alene Resort and was a part of the development group in 1983. At that time, the Shoreline Ordinance was in place and it prohibited any structures taller than 30 feet, and the best solution was the design of the tower with a large amount of open space as seen on the PUD. The reference to views and vistas was a key part of the green space and construction of the boardwalk. He believes that with the current closure of Front Avenue it has a serious effect on street flows without corrections at First Avenue. City staff came to the Resort regarding a potential partnership when discussions regarding Front Avenue closure began. They engaged the land planners and took the time to meet with many city committees. He believes that the majority of the project is the City project as it is in partnership with the Resort PUD and that it is important to have compatibility between pedestrians and bicyclists. He believes it is one of the few locations within the city where you see the lake, and that it is important to protect the views and vistas and the current trees block the views. The Resort is requesting to take out the circular parking area that will add more open space for the city. They will be adding 21 new trees along Front Avenue, where they will not block the views. The maintenance of the open space will remain with the resort. The resort will be contributing over a \$1 Million toward the project and believes the trade-offs are fair and appropriate. Safety is a very serious issue in that area, with the mix of bikes and pedestrians, so he believes that 14' trail is an appropriate width.

Councilperson Edinger asked if Mr. Barlow believes the trees on Sherman Avenue are blocking views and vistas. Mr. Barlow stated that was correct and that Mr. Hatch will present testimony to substantiate it. Councilperson Miller asked if the former railroad right-of-way acquisition was included in the open space percentage. Mr. Barlow stated that most of the increase in open space was from the removal of the circular parking lot and that the railroad right-of-way will be green space and never built upon. Councilperson Gookin stated that he admires the green space, and wondered if anything will change. Mr. Barlow stated that in accordance with the PUD they have to keep it open and that the PUD states that there is a right for the City to use it six times a year, and the Resort runs an ad annually.

Mr. Wilson suggested that the Mayor call for the testimony of those in favor before the appellant testifies, so that the appellant has the opportunity to rebut any information.

Dale Hatch, Dalton Gardens, presented a drawing regarding a preferred pedestrian route between the parks and the waterfront, with a focus along Sherman Avenue to the clock tower and the differences in the Centennial Trail widths. He explained the differences in the trail width beginning with the area from Young Avenue to the new basketball courts which is 14'; then within the park proper there is room for a separated trail where bicycles will be separated from the pedestrians; then past the clock tower the trail is 12' or less. Therefore, the design professionals determined a 14' width was appropriate for the PUD. There will be a one way entrance and exit at First Avenue

which will be much safer. He stated that there are two areas in downtown with opportunities to provide views of the lake; one through McEuen Park and another in front of the Resort, where the existing maple trees currently block the views. Councilperson Gookin asked about the trail grade changes for eastbound travel to the intersection of First Avenue. Mr. Hatch stated that the bike route would have a slight incline. Councilperson Gookin asked what would prevent bikes from using the Resort driveway. Mr. Hatch stated that there would be signage and potentially Resort security.

Phil Boyd, Coeur d'Alene, stated that he wanted to hit upon the traffic issues involved in this design. During the design process of McEuen they did study the intersection and found that there is considerable pedestrian/car interaction at the intersection of Front Avenue and Third Street. Another area of concern is where people cross from the Resort Shops to the Resort at Second Street and Front Avenue. Additionally, the configuration at First Street and Sherman Avenues will now be one-way traffic and reduces the pedestrian/car conflicts, as with Second Street and Front Avenue. He felt that the one way traffic was imperative to the project. Councilperson Edinger stated that when the McEuen plan was presented, he disagreed with the traffic hazard at Second and Third Streets and Front Avenue. Mr. Boyd asked him to remember the videos they showed regarding the near misses when the traffic is queued up. He does anticipate more users when the park is completed and is looking forward to mitigate that additional use.

Janet Robnett, Coeur d'Alene, stated that the PUD modifications requested will accommodate the changes previously discussed. The main finding is that the requested amendments are in compliance with the Comprehensive Plan. She reiterated the goals and objectives related to the trees and trails and that there will be ample public access both physical and visual. The proposal includes substantial tree replacement. The Urban Forestry Committee has reviewed the proposal and is agreeable to remove and not replace the trees as proposed. The Planning Commission considered testimony and on balance felt the removal and non-replacement of the trees was in conformance with the Comprehensive Plan. The Pedestrian Bicycle Committee reviewed the original PUD documents where there are references to those pathways, but she could not find references to specific widths. The proposal tonight will set out the trail widths more precisely. She referenced information provided to the City Council in a recent workshop with staff, which reiterated that conditions should be related to mitigating the burden from the development. The proposed PUD changes are not a burden created by the development but rather an accommodation for public use. She requested the City Council approve the amendments as proposed as they will serve to provide additional connectivity to the parks. Councilperson Gookin asked about the finding related to adjacent properties and existing street trees. Ms. Robnett stated that everything does not have to match, and in the context of the entire project it flows and part of the reason the applicant has been willing to work with the city on the entire flow.

**RECESS:** The Mayor called for a five minute recess at 7:44 p.m. The meeting resumed at 7:50 p.m.

**OPPONENT:** Sid Smith, Coeur d'Alene, stated his main concern is with the trees, although he does have some other concerns. There are five trees along Sherman and four along Second Street and six down Front Avenue. The boundary of the PUD demonstrates that the trees are outside the PUD and his concern is that they should not be included and should be considered separate based on

that fact. The Urban Forestry Committee minutes include a statement that they had approved the concept of removal of red maples within the PUD along Sherman and Second Street, but he could not find evidence of that approval. He believes that the circular parking lot should remain for ADA access and that the trail through the property should stay, with the other trail widened. He believes the information provided is conflicting.

Councilperson Gookin asked Mr. Wilson if the trees being outside the PUD boundary make a difference in the request. Mr. Wilson stated that street tree elements are within Municipal Code Chapter 12, as such are available to amendment through the PUD much like street standards being amended within a PUD. Staff's interpretation has always been that the street trees are a part of the PUD and are an amendable standard under the PUD process. Councilperson Gookin asked Ms. Kosanke, the City Urban Forestry Coordinator to discuss the committee's approval of the tree removal. Ms. Kosanke stated that in August 2013 the Committee did make a motion for the removal of the five red maple trees on the north side of Sherman Avenue, that ended up not within the right-of-way, in addition to the removal of trees on the south side. She stated that the Committee has been talking about the trees for 14 years. In 2000 the trees were improperly topped without a permit, and since then the Resort has been allowed to maintain the trees in that way. In 2002 the Committee made a motion stating that when the maintenance of the trees becomes burdensome they requested to be contacted for removal. The Committee was concerned with the health of the trees more than the views and vistas, due to the improper pruning practices. Councilperson Edinger stated that it is his understanding that the Hagadone Corporation maintains the trees. Ms. Kosanke clarified that all street trees are maintained by the abutting property owners. Mr. Smith stated that he provided pictures to the City Council from various vantage points and feels there is plenty of space between the trees to demonstrate that they do not obstruct views. He feels there should be a more compelling reason. Councilperson Adams asked for clarification about Mr. Smith's request to vote separately on the trees outside of the PUD. Mr. Smith believes that it should be a separate issue. Councilperson Adams asked if either way the decision was reached would Mr. Smith be in support of keeping the trees. Mr. Smith confirmed that he is in support of keeping the trees. Mayor Widmyer asked about the photographs being taken in December. Mr. Smith stated that they already had seen photographs of the trees during the summer. Councilperson Miller asked for clarification regarding the trees on the north side of Sherman being on private property. Ms. Kosanke stated that they were approved for removal, and then it was determined to be on private property. Mayor Widmyer asked if there a problem with the health of the trees. Ms. Kosanke stated that the leaves are about half the size they should be because of their maintenance practices, which caused the trees to be in defense mode. They should look like trees near the Museum property; eventually they will not take to the grooming and became misshaped. She clarified that the health of the trees is in decline.

Scott Reed, Coeur d'Alene, stated that there is no question all of the trees are on city property and that it indicates city ownership for all the trees that are being discussed. He believes that ownership is not determined by who maintains it. He stated that he has been practicing environmental law for 50 years and that he sees the city park outside his office window. He currently sees the construction of brick boxes for city trees to be planted at McEuen at a very large cost. He stated that Hagadone put lights in all of the trees during the holiday season and that he believes they are a long way from being in great decline. If the trees are to remain there would be costs associated with moving the trail, but insignificant to the million dollar contribution from the Hagadone Corporation. The Urban

Forestry Committee approved removal of the trees on the condition that the trees are replaced. The main reason given for removal was to protect views and vistas but he does not agree with that viewpoint. He asked the Council preserve the views and vistas of the tall standing trees for the benefit of the citizens. One more condition that could be added would be to not remove the trees. Councilperson Edinger asked if he wanted to include the non-removal of trees on Front Avenue. Mr. Reed stated that was correct but it sounded like replacement would come on Front Avenue and that the trees in front of the garage mitigate the view of the garage.

**APPLICANT SUMMATION:** Janet Robnett stated that street trees are the responsibility of the abutting property owner and reiterated that in the context of the PUD, it allows the inclusion of street tree standards. She reiterated that application before the City Council tonight includes the removal and non-replacement of the street trees. The staff report submitted included a notation that the Urban Forestry Committee approved the concept of removal of the trees without replacement. The Planning Commission considered the conflicting testimony and found that for people driving down Sherman Avenue that the views are not blocked, but for those looking westerly the views are inhibited. John Barlow stated that the views and vistas concerns were the most important part of the 1983 PUD. The reason the views are so important and cause the property value to go up is based on view of the water. Views are critical to the development and funding of the joint design for the entire area. There will be the installation of 21 new trees in the Front Avenue area, which is more than what exists today. He clarified that the trees are too close to the shopping plaza and need constant trimming. Mayor Widmyer stated that he would like to see the slide Mr. Hatch presented that demonstrated the area with and without trees. Mr. Barlow presented the slides and reiterated that the view is important to their development and the property owners on the north side of the road. Councilperson Miller asked if the trees on the north side of the picture were slated to be removed. Mr. Barlow confirmed they will be removed. Councilperson Miller clarified that with those removed it would create a balanced entrance and that the existing trees do not match the rest of the trees in the area.

Councilperson Edinger stated that he remembers years ago when the Resort had the discussions regarding views and vistas. He stated that he does not like the idea of the trees being removed at Sherman and Second Street as he can see the lake perfectly fine. He believes if it was problematic there would have been complaints to City Council and he has received none. He asked if there was a condition for the trees to remain, would it kill the PUD. Mr. Barlow stated that it would. Councilperson Gookin asked if the trees have to remain would it kill the whole project, including the Front Avenue landscaping. Mr. Barlow confirmed that it would end the project.

**DISCUSSION:** Councilperson Miller asked about public use of the property regarding the current ordinance regarding event permits. Mr. Wilson stated that the other provisions of the City Code remain in effect. Councilperson Gookin asked for clarification regarding the code reference to replacement of trees. Mr. Wilson clarified that any of the standards in Chapter 12 would be available to be included and amended through a PUD. The City Council needs to weigh the tradeoff of replacement on Front versus Sherman.

**MOTION:** Motion by Gookin, seconded by McEvers to reopen public testimony. **Motion Carried.**

Councilperson Edinger asked Mr. Barlow why the project would die based on the trees remaining. Mr. Barlow stated that when the city staff came to them, the Resort was very clear that their participation was dependent upon a certain standard, good design, and good materials. He stated that there is a significant problem with the right turn lane and removal of the trees was paramount to their project, and it is the position of their company. It was something that was discussed from the very beginning of the project and he believes it is a fair tradeoff. He stated that they have had many discussions with staff.

Mr. Smith stated he felt the Hagadone Corporation is taking a hard line approach to removing the trees. The trees were misshaped in the year 2000, against the regulations of the city by the Hagadone Corporation, so the consequence is that the trees need to be reshaped every two years or they have to come out. He reiterated that he believes the parking pad should remain. He stated that he is fine with the whole thing unraveling and that he did not believe that the Front Avenue closure is pertinent to this discussion.

**MOTION:** Motion by McEvers, seconded by Gookin that PUD-1-83M.3, modification to the Coeur d'Alene Resort PUD be approved, with conditions as proposed, and to direct staff to prepare the Findings and Order.

**DISCUSSION:** Councilperson Gookin confirmed that the City is not vacating south Second Street. Mr. Wilson confirmed that this is just pertaining to the eight items presented at the beginning of the staff report. Councilperson McEvers stated that in 1983 views and vistas were the most important issue in 1983 as it is today. The community still talks about it and the picture depicting the area with trees and without, demonstrates the views are better without the trees. He stated he respects Scott Reed's and Sid Smith's desire to protect trees. He believes the tradeoff of trees on Front Avenue is more than fair. He stated that he does hate it when it is proposed as all or nothing. The Urban Forestry Committee was in support, the Pedestrian Bicycle Committee was in support and he needs to support this as the end to the McEuen Project. Councilperson Adams stated he is in agreement with Councilperson McEvers. Councilperson Gookin stated that this is a tough decision and he loves the street trees and they are messed up and wondered if the trimming was done to keep the views to the lake opened up. He does not believe that they block the view currently, but that they may block the views of something tall built in front of them. Additionally, he likes the Front Avenue design and believes the new trees will be beautiful and provide connectivity. He does not think it fits into the surrounding area, although there are small trees lining the driveway, but he does believe there will be a tradeoff. Councilperson Evans agrees with previous Council statements and believes this is an interesting position, as the trees and the lake are very valuable. She thanked Mr. Smith and Mr. Reed for sharing their thoughts regarding the connectivity of the parks. She stated that she is an advocate of the project because of the connectivity of the two parks and thanked the Hagadone Corporation for its generous offer to make the project done well. She will be supporting this amendment. Councilperson Miller stated that the trees are going to be gone to the north and that the trees on the south side are having a slow agonizing death. This PUD has a tradeoff to it with the improvements to Front Avenue and will end up with more functional public space. She stated that the loss of the trees is sad, but she is confident in the quality and benefits the city will receive.

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

**PUBLIC HEARING: (Administrative) Community Development Block Grant (CDBG) Plan Year 2014 Annual Action Plan**

**STAFF REPORT:** Sherri Wastweet, the grant Administrator with Panhandle Area Council, stated that the purpose of the hearing this evening is the approval of the annual budget and strategies for the Plan Year 2014. She clarified that the citizen participation plan has already begun with a workshop and a thirty day public comment period. She reviewed the requirements of the program as needing to meet a national objective and be an eligible activity. Councilperson Gookin asked if we had been getting less each year from HUD. Ms. Wastweet stated that last year it went up and has fluctuated a bit previously. Councilperson Edinger asked for clarification regarding public service. Councilperson McEvers asked about the job creation and the requirements for that classification. It was clarified that reporting requirements would be included that would require the hiring of LMI employees so businesses would need to be agreeable to that requirement.

**PUBLIC TESTIMONY:** Mayor Widmyer called for public testimony with none being received.

**MOTION:** Motion by Edinger, seconded by McEvers to approve the CDBG Plan Year 2014 Annual Action Plan. **Motion carried.**

**ADJOURNMENT:** **Motion** by Edinger, seconded by McEvers that, there being no further business before the Council, this meeting is adjourned. **Motion carried.**

The meeting adjourned at 9:10 p.m.

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Steve Widmyer, Mayor

ATTEST:

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Renata McLeod, City Clerk

A CONTINUED MEETING OF  
THE COEUR D'ALENE CITY COUNCIL  
FEBRUARY 10, 2014

The Mayor and Council of the City of Coeur d'Alene met in a special call session in the Old Council Chambers at 12:30 p.m. on February 10, 2014 there being present upon roll call a quorum:

Steve Widmyer, Mayor

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

**DEPARTMENT HEADS PRESENT:** Wendy Gabriel, City Administrator; Renata McLeod, City Clerk; Troy Tymesen, Finance Director; Jim Markley, Water Superintendent; Mike Gridley, City Attorney; Warren Wilson, Deputy City Attorney; Ron Clark, Interim Police Chief; and Christie Wood, Police Sargent.

Mayor Widmyer called the meeting to order and stated that the purpose of the meeting was to determine if the City Council would like to submit a letter in opposition and/or support of the current legislation.

**HB426 & HB427 – Anti-discrimination legislation involving the free exercise of religion:** Christie Wood stated that she serves on the City’s legislative committee. She stated that HB426 may be amended. She and the legislative committee recommend the City Council approve a letter in opposition of these two proposed pieces of legislation. She stated that when the Bill was heard there were approximately 500 people present, the majority of which were not in favor. The Attorney General office has stated that the Bills have potential legal ramifications that could end in lengthy legal battles. She stated that the request is to approve the letter submitted by the legislative committee, which opposes these Bills.

**DISCUSSION:** Councilperson McEvers asked if the Bill is being amended would it come back with the same number. Deputy Attorney Warren Wilson stated it could end up with a new number and that the legislative committee will be watching for new numbers. Councilperson Evans stated that the City has no room for discrimination and that these Bills could detract from bringing businesses to our community.

**MOTION:** Motion by Gookin, seconded by Edinger to authorize the Mayor to sign a letter in opposition of HB426 and HB427. Motion Carried with Adams voting No.

**S1254 – Local Control to regulate guns on college campuses:** Ms. Wood stated that the city legislative committee and Chief of Police recommend the City Council authorize a letter stating their opposition to this piece of legislation. She also serves on the Board of Trustees for North Idaho College and the college also requests the City oppose the Bill. She provided some research regarding guns on campus, stating that the study found that guns on campus do not increase security; it actually increases the rate of unintended gun use and homicide rates. It also increases law enforcement calls. Today there was a report of a student on campus with a gun, who was showing it during class and exhibiting strange behavior that alarmed other students. Police found that he was heavily addicted to methamphetamines, suicidal, and stated he was carrying because he thought it was legal. This incident ended in an arrest. She further believes the Bill is poorly written. Ms. Wood stated that the college is having a conversation about increased campus security. She has found that other higher education facilities have also voted to be in opposition of this legislation. Interim Chief Clark reiterated that law enforcement wants a safe environment at the schools and other law enforcement leaders are in opposition of the way the Bill is currently written.

**DISCUSSION:** Councilperson Gookin stated that he is not in favor of writing in opposition of this Bill, as he believes it is a violation of the Second Amendment. He thinks there are other things the City could do for local control. He believes that the concealed weapons standards are high. He believes armed citizens can potentially help end incidents, and that creating zones of unarmed people is not good. Ms. Wood stated that she believes people are concerned with safety, but she believes that this legislation opens it up to a whole group of people with ill intent. She stated that the legislation talks about a venue of 1,000 people and that guns can be in the car and those are hard to track. Councilperson Gookin stated that NIC and the City Council will have a joint meeting in the near future and he would like to discuss SRO's for the campus. Ms. Wood stated that the model might be a little different for NIC than a high school due to the average student age being 28. Councilperson McEvers asked how this legislation would have changed the incident today. Ms. Wood stated that if the person with the gun did not have a criminal history he could have had a concealed weapons permit and been allowed to have a gun on campus. Councilperson McEvers stated that he looks to the schools and the Police Department as the professionals best suited to make a determination on this matter and wants to support them. He hopes that the Legislature will think this through and he will support the letter in opposition. Councilperson Adams stated that this issue is a First and Second Amendment concern and that the Constitution is the supreme law of the land. He believes it is the wrong venue; that local control should be at the state level. He stated that either the United States Constitution is the supreme law of the land or it is not. Councilman Adams reiterated that he believes social issues should be determined at a Federal and/or State level.

**MOTION:** Motion by Edinger, seconded by Evans to authorize the Mayor to sign a letter in opposition of S1254. Motion Carried with Adams voting No.

**ADJOURNMENT:** Motion by Edinger, seconded by McEvers that there being no further

business, the meeting be adjourned. **Motion carried.**

The meeting adjourned at 1:20 p.m.

ATTEST:

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Steve Widmyer, Mayor

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Renata McLeod, City Clerk

DATE: FEBRUARY 12, 2014  
TO: MAYOR AND CITY COUNCIL  
FROM: PLANNING DEPARTMENT  
RE: SETTING OF PUBLIC HEARING DATE: MARCH 18, 2014

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Mayor Widmyer,

The Planning Department has forwarded the following item to the City Council for scheduling of a public hearing. In keeping with state law and Council policy, the Council will set the date of the public hearing upon receipt of recommendation.

<u>ITEM NO.</u>	<u>REQUEST</u>	<u>COMMISSION ACTION</u>	<u>COMMENT</u>
A-1-14	Proposed annexation from County AS & C to City R-8 & C-17 Applicant: Lake Forest, LLC Location: 1555 W. Hanley	Recommended Approval	Quasi-Judicial

In order to satisfy the mandatory 15-day notice requirement, the next recommended hearing date will be **MARCH 18, 2014.**

**BEER, WINE, AND/OR LIQUOR APPLICATION Expires March 1 annually**

**City of Coeur d' Alene**  
**Municipal Services**  
**710 Mullan Avenue**  
**Coeur d' Alene, Idaho 83814**  
**208.769.2229 Fax 769.2237**

[Office Use Only] Amt Pd 31.25  
 Rec No 702777  
 Date \_\_\_\_\_  
 Date to City Council: 03-18-14  
 Reg No. all up to 3-1-14  
 License No. \_\_\_\_\_  
 Rv \_\_\_\_\_

Date that you would like to begin alcohol service \_\_\_\_\_

**Check the ONE box that applies:**

<input type="checkbox"/>	Beer only (canned and bottled) not consumed on premise	\$ 50.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled) not consumed on premise	\$250.00 per year
<input type="checkbox"/>	Beer only (canned and bottled only) consumed on premise	\$100.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled only) consumed on premise	\$300.00 per year
<input type="checkbox"/>	Beer only (draft, canned, and bottled) consumed on premise	\$200.00 per year
<input type="checkbox"/>	Beer and Wine (Draft, canned, and bottled) consumed on premise	\$400.00 per year
<input type="checkbox"/>	Beer, Wine, and Liquor (number issued limited by State of Id)	\$762.50 per year
<input checked="" type="checkbox"/>	Transfer of ownership of a City license with current year paid Beer-to go only <u>\$6.25</u> Beer- Can, Bottled only COP <u>\$12.50</u> Beer- Draft, can, bottled COP <u>\$25</u> Wine additional <u>\$25</u> Consumed on premise yes no Transfer from <u>03-09</u> to <u>03-01-14</u>	\$  <u>31.25</u>

*Beverage Shack on Fourth*

Business Name	<u>RJD Ltd Co dba Beverage Shack</u>
Business Mailing Address	<u>PO Box 838</u>
City, State, Zip	<u>Hayden, ID 83835</u>
Business Physical Address	<u>2020 N 4th St</u>
City, State, Zip	<u>Coeur D Alene, ID 83814</u>
Business Contact	Business Telephone: <u>208 966-4002</u> Fax: _____ Email address: <u>beverage shack@gmail.com</u>
License Applicant	<u>RJD Ltd Co</u>
If Corporation, partnership, LLC etc. List all members/officers	<u>Dan Duvall</u>

**BEER, WINE, AND/OR LIQUOR APPLICATION Expires March 1 annually**

City of Coeur d' Alene  
 Municipal Services  
 710 Mullan Avenue  
 Coeur d' Alene, Idaho 83814  
 208.769.2229 Fax 769.2237

[Office Use Only] Amt Pd \$333.33  
 Rec No 903316  
 Date 2-11-14  
 Date to City Council: 2-18-14  
 Reg No. \_\_\_\_\_  
 License No. \_\_\_\_\_  
 Rv \_\_\_\_\_

Date that you would like to begin alcohol service \_\_\_\_\_

**Check the ONE box that applies:**

<input type="checkbox"/>	Beer only (canned and bottled) not consumed on premise	\$ 50.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled) not consumed on premise	\$250.00 per year
<input type="checkbox"/>	Beer only (canned and bottled only) consumed on premise	\$100.00 per year
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<input type="checkbox"/>	Beer, Wine, and Liquor (number issued limited by State of Id)	\$762.50 per year
<input type="checkbox"/>	Transfer of ownership of a City license with current year paid Beer-to go only \$6.25 Beer- Can, Bottled only COP \$12.50 Beer- Draft, can, bottled COP \$25 Wine additional \$25 Consumed on premise yes no Transfer from _____ to _____	\$

Business Name	Bamboo Restaurant Concepts, LLC	
Business Mailing Address	2900 N. Government Way	
City, State, Zip	Hayden, ID 83835	
Business Physical Address	819 Sherman Ave	
City, State, Zip	CDA, ID 83814	
Business Contact	Business Telephone :	Fax:
	Email address:	
License Applicant	Bamboo Restaurant Concepts, LLC	
If Corporation, partnership, LLC etc. List all members/officers		

## STAFF REPORT

**DATE:** February 10, 2014  
**TO:** City Council  
**FROM:** Steve Anthony, Arts Commission Liaison  
**SUBJECT:** Art Selections McEuen Park Trail Confluence

### **Decision Point:**

The Coeur d'Alene Arts commission requests the General Service Committee recommend that the City Council accept the proposal of Jane DeDecker & J.R. Designs for the sculpture named The Explorers in the amount \$79,250.00.

### **History:**

The Arts Commission has identified three locations for the placement of public art at McEuen Park. A selection committee reviewed over 125 initial proposals and narrowed them down to 4 artists who prepared maquettes for the committee. The maquettes were put on display at the Coeur d'Alene Library and comments were solicited. After further discussion, the committee selected the art piece by the artists named in the previous paragraph.

**Financial Analysis:** The Arts Commission has budgeted for the placement of art in McEuen Park. This particular location has a budget of \$90,000.00 the proposed contract amount is \$79,250.00. The projected is being funded out to the City's LCDC Public Art Fund. The funds are dedicated funds and can only be used for Public Art in the LCDC Lake District.

### **Performance Analysis:**

Once the contract is awarded to, construction will begin in February with a target installation date of May 22, 2014. The Trail Confluence location is at the base of Tubbs Hill in the South Center of the Park. The theme of children playing on a log and exploring an area the fits the theme of Tubbs Hill. The piece is an interactive bronze and we will work with the artist to address any security issues.

### **Decision Point:**

That the City Council authorize that contract be awarded to Jane De Decker & J.R. Designs in the amount of \$79,250.00 for the art piece The Explorers.

RESOLUTION NO. 14-005

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE APPROVAL OF A PERSONAL SERVICES AGREEMENT BETWEEN JANE DEDECKER & THE NATIONAL SCULPTORS' GUILD FOR THE CREATION AND INSTALLATION OF PUBLIC ART – MCEUEN PARK TRAIL CONFLUENCE.

WHEREAS, it has been recommended that the City of Coeur d'Alene enter into an agreement pursuant to the terms and conditions set forth in the document attached hereto as Exhibit "A" and by reference made a part hereof; AND

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreement; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into an agreement, as set forth in substantially the form attached hereto as Exhibit "A" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreement so long as the substantive provisions of the agreement remain intact.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and they are hereby authorized to execute such agreement on behalf of the City.

DATED this 18<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
Steve Widmyer, Mayor

ATTEST

\_\_\_\_\_  
Renata McLeod, City Clerk

Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER EVANS Voted \_\_\_\_\_

COUNCIL MEMBER MILLER Voted \_\_\_\_\_

COUNCIL MEMBER MCEVERS Voted \_\_\_\_\_

COUNCIL MEMBER ADAMS Voted \_\_\_\_\_

COUNCIL MEMBER GOOKIN Voted \_\_\_\_\_

COUNCIL MEMBER EDINGER Voted \_\_\_\_\_

\_\_\_\_\_ was absent. Motion \_\_\_\_\_.

# Jane DeDecker

LEAD ARTIST

with the National Sculptors' Guild  
2683 N Taft Avenue, Loveland, CO 80538  
970.667.2015 dedecker\_team@nationalsculptorsguild.com

National Sculptors' Guild is an association of its design team, JK Designs, Inc. & select recognized sculptors chosen for outstanding abilities and varied style. Our primary objective is placing innovative artwork and design by member artists. Since 1992 we've installed over 350 public placements, 20% of which include Jane DeDecker's figurative sculpture, many have been site-specific pieces.

## LORDS OF THE FOREST

Artwork: 58,000  
Engineering: 1,500  
Base: 5,000  
Footings: 2,000  
Transport: 2,750  
Install: 2,000  
Travel: 3,000  
Insurance: 1,750  
Lighting: 3,000  
Plaque: 250

Total \$79,250



**PERSONAL SERVICES AGREEMENT**

Between

**JANE DEDECKER & THE NATIONAL SCULPTORS' GUILD**

And

**THE CITY OF COEUR D'ALENE**

For

**CREATION AND INSTALLATION OF PUBLIC ART**

**McEuen Park Trail Confluence**

THIS CONTRACT, made and entered into this 18<sup>th</sup> day of February, 2014, between the **CITY OF COEUR D'ALENE**, Kootenai County, Idaho, a municipal corporation and political subdivision of the state of Idaho, hereinafter referred to as the "City," and, **JANE DEDECKER & J.K. DESIGNS, INC., A COLORADO CORPORATION DOING BUSINESS AS THE NATIONAL SCULPTORS' GUILD**, hereinafter collectively referred to as the "Artist,"

WITNESSETH:

Section 1. Employment of the Artist. The City hereby agrees to engage the Artist to perform the services for design, construction, placement, installation and installation supervision of the exterior public art at McEuen Park Trail Confluence, as hereinafter set forth in Artist's Proposal attached hereto and incorporated herein as Exhibit "A."

Section 2. Personnel.

- A. The Artist represents that Artist will perform the services under this contract and shall not be an employee of the City.
- B. All of the services required hereunder will be performed by the Artist.

Section 3. Time of Performance. The services of the Artist shall commence upon execution of this contract by the Mayor and shall be completed within 4 months of this contract being executed and initial payment received by Artist. A specific date of installation shall be coordinated by the Artist with the City's Recreation Director.

Section 4. Compensation.

- A. Subject to the provisions of this agreement, the City shall pay the Artist a total of Eighty Thousand and 00/100ths (\$80,000.00) for services, payable, upon receipt of Artist invoice, as follows:
  - 1. \$30,000.00 at the start of the project
  - 2. \$30,000.00 at mid-construction
  - 3. \$20,000.00 thirty (30) days after installation of the art object
- B. Except as otherwise provided in this agreement, the City shall not provide any additional compensation, payment, use of facilities, service or other things of value to the Artist in connection with performance of contract duties.

Section 5. Assignability. The Artist shall not delegate duties or otherwise subcontract work or services under this contract, except for installation and landscaping as described in the Artist's Proposal. The Artist may use other individuals working under her supervision to assist her in the construction and the installation of the public art object.

Section 6. Interest of the Artist. The Artist covenants that she presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this contract.

Section 7. Relationship of the Parties. The Artist shall perform her obligations hereunder as an independent contractor of the City. The City may administer this contract and monitor the Artist's compliance with this agreement but shall not supervise or otherwise direct the Artist except to provide recommendations and to provide approvals pursuant to this agreement.

Section 8. Hold Harmless. Artist shall furnish and install barriers to prevent accidents while installing the public art object on the site and shall indemnify, defend and hold the city harmless from all claims for injury to person or property resulting from the Artist's actions or omissions in performance of this agreement.

Section 9. Warranties.

A. The Artist shall not be responsible for the maintenance of the public art object or for any damages resulting from the City's failure to maintain the public art object nor from any causes beyond the control of the Artist.

B. The Artist shall obtain from the supplier and provide to the City a warranty on materials associated with the public art.

Section 10. Ownership. The City shall maintain ownership and all rights to the public art object once it is completed and installed. However, the City agrees it will include the name of the artists and the name of the public art object in any publication, depiction or rendering of the public art object that the City allows.

IN WITNESS WHEREOF, this agreement is executed the day and year first written above.

**CITY OF COEUR D'ALENE**

**ARTIST**

\_\_\_\_\_  
Steve Widmyer, Mayor

\_\_\_\_\_  
Jane DeDecker, Sculptor

**ATTEST:**

\_\_\_\_\_  
Alyson Kinkade, President

\_\_\_\_\_  
Renata McLeod, City Clerk

**ATTEST:**

\_\_\_\_\_  
John Kinkade, Secretary

\*\*\*\*\*

STATE OF IDAHO )  
 ) ss.  
County of Kootenai )

On this \_\_\_\_\_ day of February, 2014, before me, a Notary Public, personally appeared **Steve Widmyer** and **Renata McLeod**, known to me to be the Mayor and City Clerk, respectively, of the City of Coeur d'Alene that executed the foregoing instrument and acknowledged to me that said City of Coeur d'Alene executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

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STATE OF COLORADO )  
 ) ss.  
County of Larimer )

On this \_\_\_\_\_ day of February, 2014, before me, a Notary Public, personally appeared **Jane DeDecker**, **Alyson Kinkade** and **John Kinkade**, known to me to be the persons who executed the foregoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

# ANNOUNCEMENTS

# Memo to Council

DATE: February 10, 2014

RE: Appointments to Boards/Commissions/Committees

The following appointments are presented for your consideration for the February 18th Council Meeting:

DAVE PATTERSON (CBD Property/Business Owner)	PARKING COMMISSION
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MARK ROGERS (Downtown Employee)	PARKING COMMISSION
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STEPHEN PETERSEN (Community at Large)	PARKING COMMISSION
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Copies of the data sheets are in front of your mailboxes.

Sincerely,

Amy Ferguson  
Executive Assistant

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cc: Renata McLeod, Municipal Services Director  
Judy House, Parking Commission Staff Support

# Memo to Council

DATE: February 11, 2014

RE: Appointments to Boards/Commissions/Committees

The following appointment is presented for your consideration for the February 18th Council Meeting:

NANCY WHITE

ARTS COMMISSION

A copy of the data sheet is in front of your mailboxes.

Sincerely,

Amy Ferguson  
Executive Assistant

cc: Renata McLeod, Municipal Services Director  
Steve Anthony, Arts Commission Liaison

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OTHER COMMITTEE MINUTES  
(Requiring Council Action)

February 10, 2014  
**GENERAL SERVICES COMMITTEE**  
**MINUTES**  
**12:00 p.m., Library Community Room**

**COMMITTEE MEMBERS PRESENT**

Ron Edinger, Chairperson  
Steve Adams  
Amy Evans

**CITIZENS**

Janna Paronto, BLM #1  
Cindy Palombi #2  
Kathy Hunt, #2

**STAFF PRESENT**

Bob Foster, Code Enforcement  
Bill Greenwood, Parks Director  
Steve Anthony, Recreation Director  
Mike Gridley, City Attorney  
Troy Tymesen, Finance Director  
Judy House, Claims-Code Enforcement-Risk Manager  
Wendy Gabriel, City Administrator  
Juanita Knight, Senior Legal Assistant

**Item 1.        4-Corners / BLM Master Plan.**  
**(Agenda)**

Bill Greenwood, Parks Director, is requesting authorization for the Parks Department to advertise for RFQ's (Request for Qualifications ) from Land Planning Companies to prepare a Four Corners/BLM Master Plan. Mr. Greenwood stated in his staff report that the 2002 Four Corners Master Plan identified some alternatives and recommended changes to this area. Last January, City Council approved the Parks Director to submit an application to lease the 29-acre corridor from BLM. With that approval the Parks and Recreation Commission began holding stakeholder meetings that began on May 20, 2013. Approximately 15 public meetings were held, which included a walking tour of the site. The purpose of these meetings was to receive input from the community and stakeholder's on how the City of Coeur d' Alene might use the BLM property and the Four Corners area. While taking into account its connectivity to a myriad of other locations extending from Independence Point to Riverstone Park and to encompass opportunities extending to Huetter Road. In April 2013, Parks and Recreation Commission Chair Scott Cranston and former Parks Director Doug Eastwood met with LCDC and presented a request to fund the Four Corners/ BLM Master Plan. At that time LCDC asked for City Councils approval before they would consider this funding request. Upon Councils' approval, LCDC will be approached with a request to consider funding the Master Plan. A master plan of this area is required by BLM before the lease can be approved. Then BLM will determine if our Master Plan and the proposed land uses meet the criteria of Public Outdoor Recreation. In addition, this Master Plan will provide the City of Coeur d' Alene the needed tools for future strategic planning for development, maintenance and operations. There is no urgency to develop the land, although we need to have the Master Plan completed in order for us to have an approved lease from BLM.

Councilperson Edinger asked Mr. Greenwood to go over the motion that came from the Parks and Recreation Commission. Mr. Greenwood stated the motion as *"Commissioner Patzer made a motion that the Parks and Rec Commission recommend to General services that Parks Department staff be authorized to advertise for RFQ's (Request for Qualifications) from Land Planning Companies to prepare a Four Corners/BLM Master Plan, to include the documentation that the Parks and Recreation Commission has assembled over the last 9 months during the public input process, including the power point presentation, written comments, minutes, etc..., as well as the funding sources identified, including LCDC. The motion was seconded by Commissioner McDowell. There being no further discussion all were in favor and motion passed unanimously."*

Councilperson Adams asked Janna Paronto with BLM if she is comfortable, by the criteria set forth by BLM, that all the steps have been taken to go forth with the master plan. Ms. Paronto said they are very comfortable. They are all aware of what is needed and they are comfortable with where this is and she does not foresee any problems. Councilperson Adams asked if BLM will be involved and work with the company that the City

chooses. Ms. Paronto said they hope to be working with them. Mr. Greenwood said they will stipulate with in the RFQ that BLM will be involved. Mr. Greenwood will also stipulate with the planning firm additional meetings with the community and homeowners in the area.

Councilperson Edinger noted that Mr. Cranston and Mr. Eastwood had met with LCDC about funding. LCDC is now waiting for Council approval.

**MOTION: by Councilperson Adams seconded by Councilperson Evans to recommend that Council authorize staff to advertise for RFQ's (Request for Qualifications) from Land Planning Companies to prepare a Four Corners/BLM Master Plan.**

**Item 2. Doyle's Warehouse Sound Study.**  
**(Agenda)**

Mike Gridley said staff was previously directed by this Committee to look into the feasibility of doing a sound study at the Doyle's Warehouse facility. Quotes were received by 4 companies, providing quotes ranging from \$2,750 to \$6,800.

Mr. Gridley provided some background history for Councilperson Evans' benefit.

Mr. Gridley said Doyle's has completed their facility expansion as well as built a eight foot wall between the facility and the neighborhood. Now the question is, should the City move forward with testing with an outside firm. Mr. Gridley added that Bob Foster, Coeur d'Alene Code Enforcement, has recently conducted additional testing to see if the wall made any difference. His test results came back with nothing exceeding the noise levels set out by city code. However, factor's influence sound and one of them can be snow, which can cause a buffer, so it could have affected the results. Wind speed and inversion can also have impact. Another compounding issue with sound is I-95 that generates a fair amount of noise and other business to the east and south of Doyle's.

Mr. Gridley said though we don't have anything indicating noise exceeds code, those test were done under conditions that should prompts retesting. Staff is looking for direction from the City Council to either retest in-house when the weather is better, to go with an outside company to do a sound test, or do nothing.

Cindy Palombi, representing a team of citizens for the preservation of neighborhoods, stated that originally they had agreed to use the Greenbush Group, Inc. for the testing. They had chosen them based on the research they'd done online. When they were provided with the bids from the City, they decided they would like to go with JGL Acoustic, Inc. This is based on the details provided in the bid, that they would do the type of sound study that needs to be done. Ms. Palombi said they want to be included when the company does the testing as they know what noises bother the neighborhood. Ms. Palombi said Doyle's put up a beautiful wall, it blocks the view, but it does not block the noises. She pointed out that it is the refrigeration on the trucks, the backing up, and pulling forward that makes the most sounds. Ms. Palombi continued to discuss why they feel their concerns are being ignored by the City.

Councilperson Evans asked about the hand held device used to register the noise levels. Bob Foster demonstrated the device and explained how it is used. He noted that the device was recently recalibrated this past October. Councilperson Evans asked if an outside company would use the same type of device. Mr. Gridley said to his knowledge it would not be much different other than it would be a stationary device vs hand held.

Councilperson Edinger asked where the money will come from to pay for the sound study. Troy Tymesen, Finance Director, said it would have to come from the Fund Balance.

Discussion ensued regarding Duane Nightingale, Sound Study Engineer's, involvement with the neighborhood & conducting a sound study as well as the results of the 2007 PBS study & results.

Councilperson Evans asked Mr. Gridley if references were checked on any of the quotes. Mr. Gridley said they have talked to folks who have recommended these companies and they are all qualified to do the work.

Janet Robnett, Legal Counsel for Doyle's Wholesale, gave an explanation of all the things Doyle's has done to mitigate the concerns of the neighbors. Ms. Robnett stated that the City is free to spend tax payers dollars to do another sound study however she questions the need for yet another study as there is no evidence of a violation. However, if a study is conducted, she feels the neighbors should not be involved in the sound study as it could taint the independence of the study. If violations are found, then Doyle's will address them.

Councilperson Edinger asked if the City has another sound study done, will the neighbors and Doyle's go by what the study says? Janet Robnett responded that it is a waste of tax payers money, but if the City commissions a study, and a violation is found, Doyle's will work with the City to address the violation.

Mr. Gridley confirmed that the study would be directed by the City without direction from the neighbors or Doyle's. They will be kept updated of the happenings of the study but the study will be directed by the City.

Councilperson Evans asked if all avenues within the City/Code Enforcement have been exhausted in regard to testing the sound. Mr. Gridley responded yes.

Kathy Hunt explained why the neighbors want to be involved in how the study is conducted, to ensure the sounds they hear are captured in the study.

Councilperson Adams asked about Mr. Foster's involvement in the study. Mr. Gridley said it is a code enforcement issue so he would definitely be in the loop of the study. Councilperson Adams said he wants to ensure the study is conducted in a way that the concerns of all parties are addressed and everyone can be satisfied with the results of the study.

Councilperson Adams commented for the record "I live two houses away from Cindy and four houses away from Kathy. I have lived there for nine years and probably, if it had not been for either one of these ladies, I would never have had much of an issue with Doyle's. About a year and a half ago, after speaking with Kathy, I went to twelve different houses and did individual surveys and spoke to nine people. Four out of the nine had concerns. The other five, that have lived there for years and years, said "what noise at Doyle's." Later, when the City had a meeting, those same people that I'd spoken to, who had no idea about the noise, all of a sudden had a problem." Councilperson Adams said there has been some conflicts with this and is hopeful that the City can do this study, and regardless of the outcome, that we can just put it to bed.

Ms. Palombi said all they want is a valid sound study done. If it doesn't come out in their favor, then okay, you did the study. Councilperson Adams said that is good because he does not take spending upwards of \$6,800 lightly. Ms. Palomi said she does not either.

Mr. Gridley said the Council could agree to spend up to \$7,000 and then the City can follow up with the companies noting that this is an intermittent operation, not constant, and see what their proposal would be to capture that aspect.

Janet Robnett asked the Council to keep in mind how far Doyle's has gone to mitigate the neighbors issues, upwards of \$300,000. If the study should turn up any violation, they will work with the City to fix it.

**MOTION: by Councilperson Adams, seconded by Councilperson Evans to recommend that Council accept the Doyle's Warehouse study by JGL Acoustics, Inc. in an amount not to exceed \$7,000.**

**Item 3. Professional Services Agreement with Jane Dedecker and The National Sculptors' Guild for creation and installation of public art at the McEuen Park Trail Confluence.  
(Consent Resolution No. 14-005)**

Steve Anthony, Arts Commission Liaison, is requesting Council accept the proposal of Jane DeDecker & J.R. Designs for the sculpture named The Explorers in the amount of \$79,250.00. Mr. Anthony stated in his staff report that the Arts Commission has identified three locations for the placement of public art at McEuen Park. A selection committee reviewed over 125 initial proposals and narrowed them down to 4 artists who prepared maquettes for the committee. The maquettes were put on display at the Coeur d'Alene Library and comments were solicited. After further discussion, the committee selected the art piece by Jane DeDecker & J.R. Designs.

John Bruning added that the piece will be 6 foot by 6 foot and 40 inches high.

**MOTION: by Councilperson Evans seconded by Councilperson Adams, to recommend that Council adopt Resolution No. 14-005 awarding the contract to Jane DeDecker & J.R. Designs in the amount of \$79,250.00 for the art piece The Explorers.**

The meeting adjourned at 12:55 p.m.

Respectfully submitted,

*Juanita Knight*  
Recording Secretary

## CITY COUNCIL STAFF REPORT

**Date:** February 18, 2014  
**From:** Bill Greenwood, Interim Parks Director  
**SUBJECT:** **Four Corners/BLM Master Plan**

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### **DECISION POINT:**

A Recommendation to authorize Parks Dept. staff to advertise for RFQ's (Request for Qualifications) from Land Planning Companies to prepare a Four Corners/BLM Master Plan.

### **HISTORY:**

The 2002 Four Corners Master Plan identified some alternatives and recommended changes to this area. Last January, City Council approved the Parks Director to submit an application to lease the 29-acre corridor from BLM. With that approval the Parks and Recreation Commission began holding stakeholder meetings that began on May 20, 2013. Approximately 15 public meetings were held, which included a walking tour of the site. The purpose of these meetings was to receive input from the community and stakeholder's on how the City of Coeur d' Alene might use the BLM property and the Four Corners area. While taking into account its connectivity to a myriad of other locations extending from Independence Point to Riverstone Park and to encompass opportunities extending to Huetter Road.

### **FINANCIAL ANALYSIS:**

In April 2013, Parks and Recreation Commission Chair Scott Cranston and former Parks Director Doug Eastwood met with LCDC and presented a request to fund the Four Corners/ BLM Master Plan. At that time LCDC asked for City Councils approval before they would consider this funding request. Upon Councils' approval, LCDC will be approached with a request to consider funding the Master Plan.

### **PERFORMANCE ANALYSIS:**

A master plan of this area is required by BLM before the lease can be approved. Then BLM will determine if our Master Plan and the proposed land uses meet the criteria of Public Outdoor Recreation. In addition, this Master Plan will provide the City of Coeur d'Alene the needed tools for future strategic planning for development, maintenance and operations. There is no urgency to develop the land, although we need to have the Master Plan completed in order for us to have an approved lease from BLM.

### **DECISION POINT/ RECOMMENDATION:**

A Recommendation to authorize Parks Dept. staff to advertise for RFQ's (Request for Qualifications) from Land Planning Companies to prepare a Four Corners/BLM Master Plan.

MOTION FROM PARKS AND RECREATION COMMISSION MEETING ON  
JANUARY 27<sup>th</sup>, 2014

Commissioner Patzer made a motion that the Parks and Rec Commission recommend to General services that Parks Department staff be authorized to advertise for RFQ's (Request for Qualifications) from Land Planning Companies to prepare a Four Corners/BLM Master Plan, to include the documentation that the Parks and Recreation Commission has assembled over the last 9 months during the public input process, including the power point presentation, written comments, minutes, etc..., as well as the funding sources identified, including LCDC. The motion was seconded by Commissioner McDowell. There being no further discussion all were in favor and motion passed unanimously.

MEMORANDUM

To: Mike Gridley, City Attorney

From: Judy House, Claims/Risk Mgr.

Date: February 6, 2014

RE: Doyle's Wholesale Sound Study

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The Code Enforcement Officer for the City of Coeur d'Alene has done several sound decibel readings and never found a violation of the ordinance. In August of 2007 Doyle's Wholesale had a sound study performed by PBS Engineering and Environmental who determined that there were no violations of the ordinances.

The neighbors are still complaining about the trucks continuing to use Park Drive, refrigeration units running, trucks lining up on NW side of the building.

Doyle's has installed a concrete wall on their property that the neighbors claim hasn't done anything to alleviate the sound coming from Doyle's property.

Coeur d'Alene Municipal Code 17.07.120 states that the use of property shall not create a noise level for residentially zoned property in excess of the following: a daytime noise level (7:00 A.M. to 10:00 P.M.) of sixty five (65) decibels and a nighttime level of fifty five (55) decibels.

The city contacted four companies who have given us information and prices to conduct a sound study at Doyle's Wholesale, 625 Dalton Avenue. The information that follows is a breakdown of each company with the costs included.

**Maiani Construction** Athol, ID- Proposes a twenty-four hour period at locations designated by the city. Any readings above the threshold will show the visible cause for the noise and the locations the readings were taken from. Readings will be taken with commentary about conditions at the exact moment of the reading. Report generation would take approximately three hours.

Certified by the National Environmental Balancing Bureau (NEBB) which allows members to, among many other things, execute sound and vibration testing.

**Cost:** \$2,750.00

**JGL Acoustics, Inc.** Issaquah, WA- Measurements will be taken at the nearest residential property line for a continuous 24-hour period with a calibrated meter. Audio recording will also be taken at the same measurement location to verify the source of the measured sound. They will analyze the sound data collected at the residential property line and exclude sounds that are not generated on the Doyle's Wholesale site. The remaining measured sound levels will be compared with the limits of Coeur d'Alene Municipal Code Section 17.07.120B, then calculate the number of seconds per hour that the warehouse activity may exceed the specified noise limit.

The results will be summarized in a written report with tables and graphs detailing the specific activities that create noise levels in excess of those designated by code and discuss with city staff via email or phone to answer any questions that may arise.

**Exclusions:** Additional sound testing beyond the scope of work provided; attendance at meetings to discuss the findings and recommendations or recommendations for steps that can be taken to reduce any noise impacts.

**Cost:** \$6,800.00

**The Greenbush Group, Inc.** Seattle, WA– Monitor noise levels at one second intervals for not less than 24 consecutive hours which will allow analysis of the loudest events. The monitor will be located away from the manufacturing facility to minimize the influence of the plant activity on ambient sound. Traffic on US 95 will contribute significantly to sound in the community and it is important to separate the noise from the highway and the noise associated with truck delivery on site. Data will be analyzed and compliance with the City Code will be determined. A preliminary recommendation will be developed to reduce sound levels at the abutting property.

**Exclusions:** Attendance or testimony at public meeting or hearing, any additional in-person meetings, additional site visits or other services not determined in the approach provided. Any of these additional items would be billed between \$70 and \$150 per hour depending on who attends.

**Cost:** \$6,000.00

**Bionomics Environmental, Inc.** Eagle, ID – Will conduct field measurements conducted after shutdown and at midnight at the following locations: 100 feet from operations, property line and closest neighbor. A memo including site and reading location figures will be prepared summarizing results, however a full noise analysis or mitigation measures analysis would not be prepared. If these are requested it would be an additional service.

**Cost:** \$4,458.00

Bob Foster, the City's Code Enforcement Officer, conducted noise assessments with a newly calibrated decibel meter at the following times and locations with results for each:

1. January 6 between 2150 and 2330 hours average decibel reading 43.6 (10 readings)
2. January 8 between 2150 and 2330 hours average decibel reading 4.4 (10 readings)
3. January 15 between 0550-0700 hours average decibel reading 54.4 (7 readings)
4. January 15 between 0700-0730 hours average decibel reading 55.1 (4 readings)
5. January 16 between 0550-0700 hours average decibel reading 49.3 (7 readings)
6. January 16 between 0700-0730 hours average decibel reading 53.8 (4 readings) for an overall of 51.5 for 5 & 6

Mr. Foster indicated it appears that the wall fence that was recently built has had a significant effect on reducing the noise.

The neighbors were given the information and they would like to choose The Greenbusch Group.

# PUBLIC HEARINGS

**CITY COUNCIL  
STAFF REPORT**

**FROM:** TAMI STROUD, PLANNER  
**DATE:** FEBRUARY 18, 2014  
**SUBJECT:** ZC-1-13 - ZONE CHANGE FROM R-3 and C-17L TO R-8  
**LOCATION:** +/- 12.66 ACRES AT "THE LANDINGS AT WATERFORD 10<sup>TH</sup>  
ADDITION"

**APPLICANT:**

Mulligan Investments, LLC  
PO Box 2350  
Coeur d'Alene, ID 83816

**ENGINEER:**

Lake City Engineering, Inc.  
3909 N. Schreiber Way Suite #4  
Coeur d'Alene, ID 83815

**DECISION POINT:**

Mulligan Investments, LLC, is requesting a zone change for a portion of "The Landings at Waterford 10<sup>th</sup> Addition" from R-3 (Residential at 3 units/acre) and C-17L (Limited Commercial at 17 units/acre) zoning districts to R-8 (Residential at 8 units/acre) zoning district.

**GENERAL INFORMATION:**

The subject property is located west of the intersection of Downing Lane and Freeland Drive, and east of Huetter Road. A portion of the +/- 12.66 acres is currently zoned C-17L (2.68 acres) and was intended for neighborhood commercial uses, but due to restricted access to Huetter Road the applicant has requested the R-8 (Residential at 8 units/acre) zoning district to allow for residential development. The other portion of the subject property is currently zoned R-3 (Residential 3 units/acre) and the applicant has requested R-8 (Residential at 8 units/acre) zoning for the remaining 9.98 acres to be developed as single-family lots.

A proposed 58-lot preliminary plat was filed in conjunction with the requested zone change. The Planning Commission approved the preliminary plat on December 10<sup>th</sup> 2013. The applicant's comments and justification for the zone change request is attached for your review.

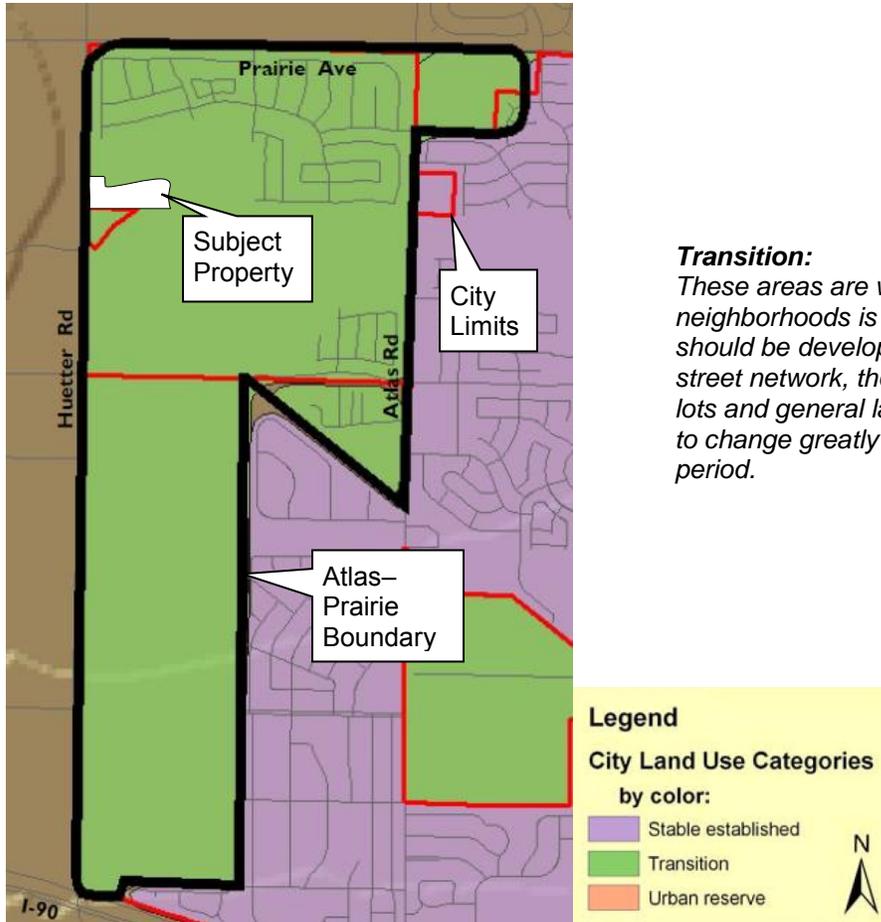
**REQUIRED FINDINGS:**

- A. **Finding #B8: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.**

**2007 COMPREHENSIVE PLAN- LAND USE CATEGORY:**

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as Atlas - Prairie – Transition:

## COMPREHENSIVE PLAN DESIGNATION: ATLAS-PRAIRIE



### Atlas-Prairie Tomorrow

Generally, this area is envisioned to be a residential area, lower in density, which develops with interconnected neighborhoods providing a mix of housing choices.

### The characteristics of Atlas-Prairie neighborhoods will be:

- That overall density may approach four to five residential units per acre (4-5:1), however, pockets of higher density housing and multi-family units are appropriate incompatible areas.
- Annexing requires careful evaluation of infrastructure needs.
- Open space, parks, and pedestrian and bicycle connections will be provided.
- Developments adjacent to the Area of City Impact (ACI) boundary will provide for a distinctive entrance to the city.
- Neighborhood service nodes where appropriate.
- The street network will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.
- A bypass study is underway to determine how traffic will be distributed to ease pressure from US 95.

## COMPREHENSIVE PLAN GOALS & OBJECTIVES:

### **Goal #1: Natural Environment**

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

#### **Objective 1.11**

##### **Community Design:**

Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.

#### **Objective 1.12**

##### **Community Design:**

Support the enhancement of existing urbanized areas and discourage sprawl.

#### **Objective 1.14**

##### **Efficiency:**

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

### **Goal #2: Economic Environment**

Our Comprehensive Plan preserves the city's quality workplaces and encourages economic growth.

#### **Objective 2.05**

##### **Pedestrian & Bicycle Environment:**

Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

### **Goal #3: Home Environment**

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

#### **Objective 3.01**

##### **Managed Growth:**

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

#### **Objective 3.04**

##### **Neighborhoods:**

Encourage the formation of active neighborhood associations and advocate their participation in the public process.

#### **Objective 3.05**

##### **Neighborhoods:**

Protect and preserve existing neighborhoods from incompatible land uses and developments.

#### **Objective 3.08**

##### **Housing:**

Design new housing areas to meet the city's need for quality neighborhoods for all income and family status categories.

**Goal #4: Administrative Environment**

Our Comprehensive Plan advocates efficiency and quality management in city government.

**Objective 4.06**

**Public Participation:**

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

**Evaluation:** *The City Council must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

- B. **Finding #B9: That public facilities and utilities (are) (are not) available and adequate for the proposed use.**

**TRAFFIC/STREETS:**

The subject property is proposed to be utilized for 58 single-family lots. The ITE Trip Generation Manual estimates the project may generate approximately 45 and 59 ADT's respectively during the A.M. and P.M. peak hour periods. This is approximately one trip over a 2.5 to 3 minute period. Although this proposed phase is an increase of approximately twenty lots over the original number proposed for this portion of the development, the increase is insignificant to the development as a whole.

*Evaluation*

These vehicular flows were accounted for in the original approval for the development and were deemed satisfactory. With the extensive development of the surrounding roadway system, there are numerous adjacent and/or connecting streets that will accommodate the additional traffic volume and allow for a multitude of points of ingress/egress to and from the arterial roadways that bracket the subdivision.

*-Submitted by Chris Bates, Engineering Project Manager*

**WATER:**

Infrastructure necessary to support the current zoning within this development is currently in place. Should any additional water infrastructure, or changes to the existing water infrastructure be required to support the proposed change in density, it will be the responsibility of the developer to install or alter at their expense. All changes to existing facilities must be approved by the Water Department. .

*-Submitted by Terry Pickel, Assistant Water Superintendent*

**SEWER:**

Wastewater has no objection to this planning action.

*-Submitted by Mike Becker, Utility Project Manager*

**FIRE:**

The Fire Department has reviewed the request and has no comments for the proposed zone change.

-Submitted by Bobby Gonder, Fire Inspector

**Evaluation:** The City Council must determine, based on the information before them, whether or not the public facilities and utilities are adequate for the request.

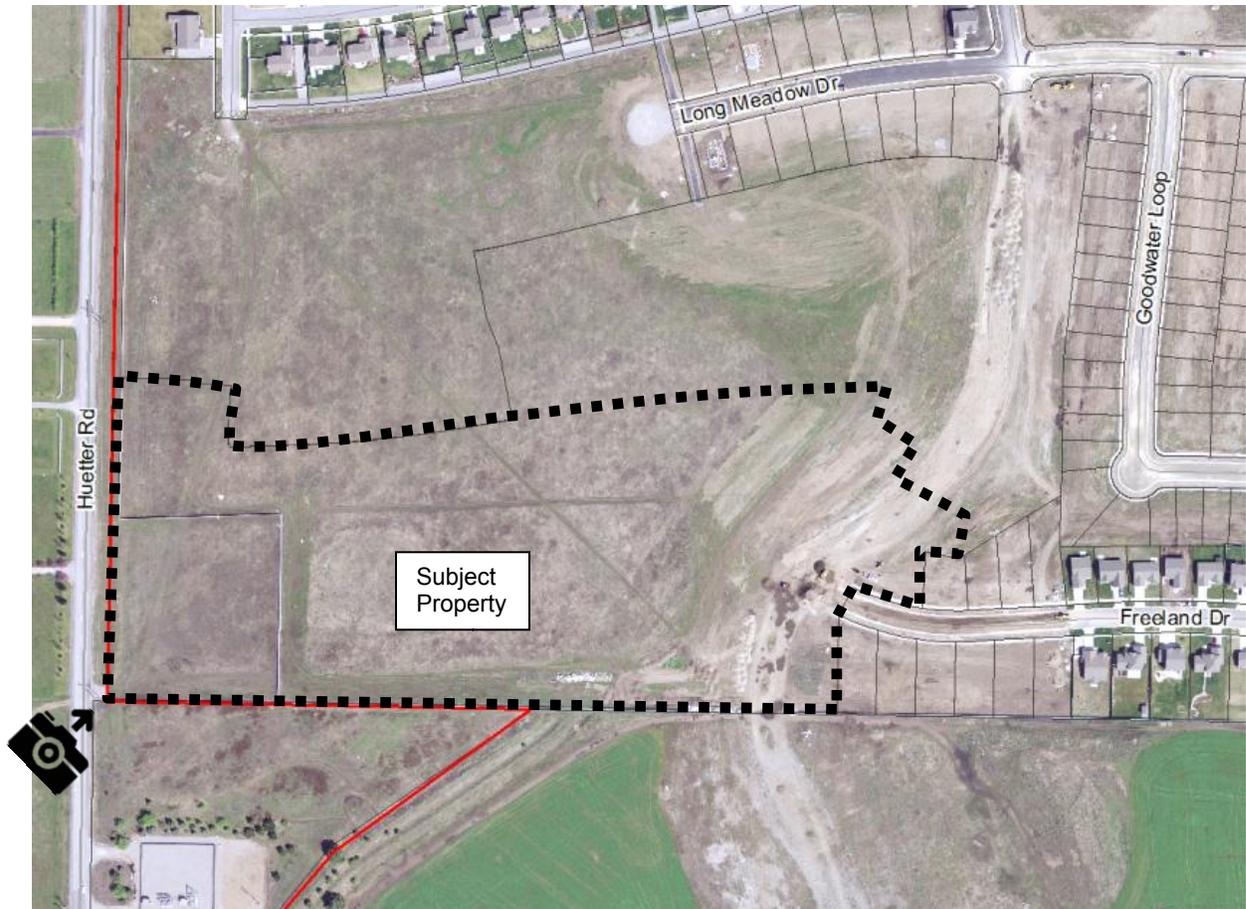
- C. **Finding #B10:** That the physical characteristics of the site (make) (do not make) it suitable for the request at this time.

**PHYSICAL CHARACTERISTICS:**

As shown on the aerial photo on this page, there are no physical constraints that would make the subject property unsuitable for the request. The subject property is relatively flat and currently vacant.

**AERIAL/SITE PHOTOS:**

Aerial (Showing location of where site photo was taken in Google: Street View):



Site (From Huetter Rd. at SE corner looking NE into The Landings):



**Evaluation:** *The City Council must determine, based on the information before them, whether or not the physical characteristics of the site make it suitable for the request at this time.*

D. **Finding #B11:** **That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.**

**TRAFFIC:**

The connecting streets will accommodate the additional traffic, as indicated in the engineering staff report. The neighborhood character in the area is primarily single-family. The R-8 zoning district would be consistent with the surrounding development in the neighborhood.

**NEIGHBORHOOD CHARACTER:**

The surrounding properties to the north, south and east are currently zoned R-3 (Residential at 3 units/acre) and R-8 (Residential at 8 units/acre). The developer intends to construct single-family homes similar to those within the surrounding neighborhood.

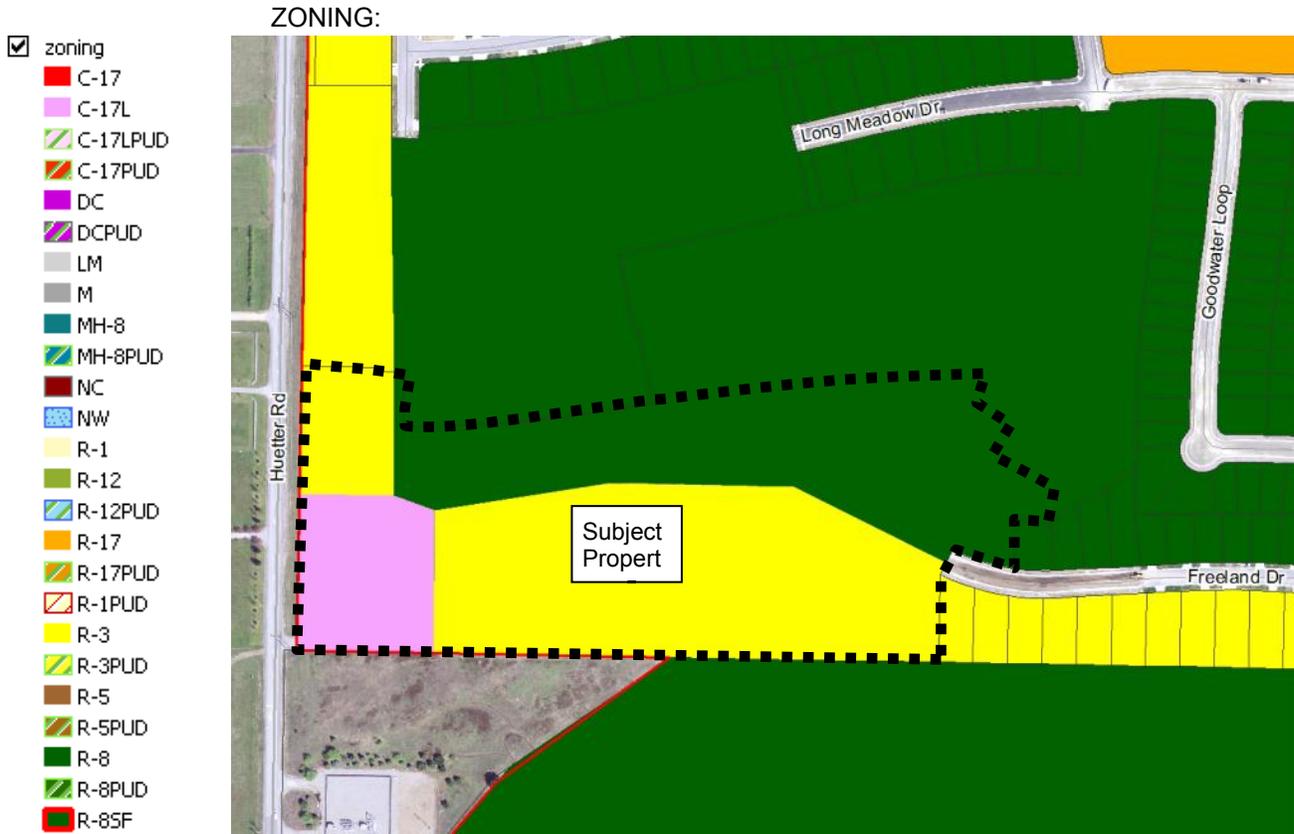
From 2007 Comprehensive Plan:

**Land Use- Atlas-Prairie (Atlas-Prairie Today):** This area consists largely of prairie farmland and native conifer forest. The northern tier of the district contains a rapidly developing, suburban subdivision. This area lies over the Spokane Valley-Rathdrum Prairie Aquifer, and also holds the last, large tract of vacant land within the Area of City Impact (ACI).

Farmland is broken into parcels ranging from approximately 23 to 160+ acres. Subdivisions are developing with approximately three houses per acre (3:1). The remaining parcels provide opportunities for large-scale master planning.

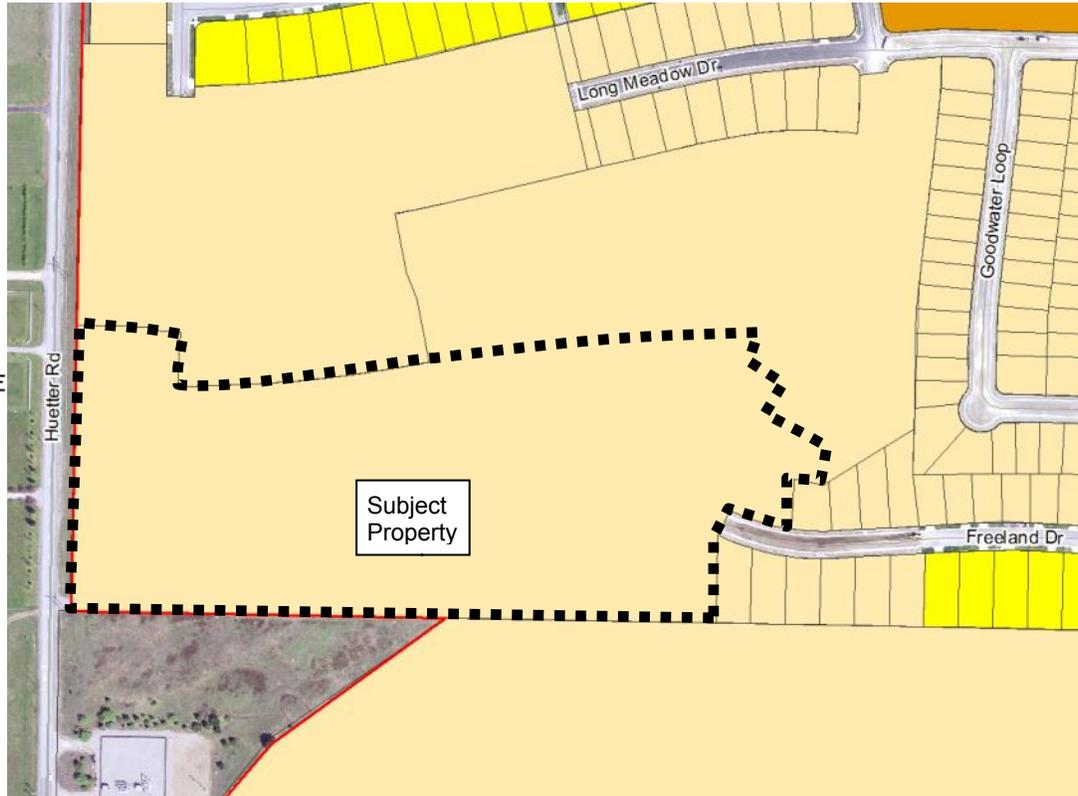
Public infrastructure for development is not present in some locations and would require extensions from existing main lines.

**EXISTING LAND USES:**



GENERALIZED LAND USE PATTERN:

- Land Use
- SFA
- SFD
- DUPLEX
- MH
- MHP
- MFD
- CIVIC
- COMM
- MFGR
- AGRICULTURE
- VACANT



**Evaluation:** *The City Council must determine, based on the information before them, whether or not the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and)/(or) existing land uses.*

**APPLICABLE CODES AND POLICIES:**

**UTILITIES:**

All proposed utilities within the project shall be installed underground.

**STREETS:**

An encroachment permit shall be obtained prior to any work being performed in the existing right-of-way.

**STORMWATER:**

A stormwater management plan shall be submitted and approved prior to start of any construction. The plan shall conform to all requirements of the City.

**PROPOSED CONDITIONS:**

None

**ORDINANCES & STANDARDS USED FOR EVALUATION:**

2007 Comprehensive Plan  
Transportation Plan  
Municipal Code  
Idaho Code  
Wastewater Treatment Facility Plan  
Water and Sewer Service Policies  
Urban Forestry Standards  
Transportation and Traffic Engineering Handbook, I.T.E.  
Manual on Uniform Traffic Control Devices  
2010 Coeur d'Alene Trails Master Plan

**ACTION ALTERNATIVES:**

The City Council must consider this request and make appropriate findings to approve, deny or deny without prejudice. The findings worksheet is attached.

## **LANDINGS REZONE REQUEST – JUSTIFICATION**

This property is located in the last phase of The Landings at Waterford Master Planned Community. It is surrounded entirely by residential uses and residentially zoned property. The adjacent property to the North and South is zoned R-8 and is planned for single family residential homes with an average lot size of 8500 square feet. The purpose of this rezone is to make the property consistent with the surrounding zoning and allow the project proponent to develop similar sized lots. The current market conditions are such that this rezone will allow for this property to be developed in such a manner as to meet the demand for affordable residential lots.

The original intent of the C-17L property adjacent to Huetter Road was to provide neighborhood commercial uses. However, restricted access to Huetter Road due to the future Huetter By-pass makes this property not feasible to develop in that manner anymore.

The requested zone change is in conformance with the Comprehensive Plan. The subject property is designated as being in the Transition Land Use Category, which states that the number of building lots and general land use are subject to change during the course of the planning period. The Comprehensive Plan defines this property as being in the Atlas-Prairie Neighborhood Area. This Area is characterized by residential densities of 4 – 5 dwelling units per acre which are commensurate with single-family lots in the R-8 zone.

Applicant: Mulligan Investments, LLC  
Location: Lt 1 Blk 3 of The Landings at Waterford 10<sup>th</sup> Addition  
Request:

- A. A proposed zone change from R-3 & C-17L to R-8  
QUASI-JUDICIAL (ZC-1-13)

Planner Stroud presented the staff report and answered questions from the Commission.

**Public testimony open:**

Drew Dittman, Coeur d'Alene, explained a brief history of the project. He stated that the project is 90% built-out and this is the last portion to be developed. He explained that the original intent of the C-17L property adjacent to Huetter Road was to provide neighborhood commercial uses. He added that Huetter Road having restricted access in the future - due to the Huetter by-pass - makes this property no longer feasible for a commercial project. He stated that the applicant approves of the conditions provided in the staff report. He asked if the commission had any questions.

**Public testimony closed:**

**Motion by Haneline, seconded by Luttrupp, to direct staff to prepare the findings for ZC-1-13.**

**Motion approved.**

ROLL CALL:

Commissioner Evans	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Haneline	Voted	Aye

Motion to approve carried by a 3 to 0 vote.

**COEUR D'ALENE PLANNING COMMISSION  
FINDINGS AND ORDER**

**A. INTRODUCTION**

This matter having come before the Planning Commission on, December 10, 2013, and there being present a person requesting approval of Item: ZC-1-13, a request for a portion of "The Landings at Waterford 10<sup>th</sup> Addition" from R-3 (Residential at 3 units/acre) and C-17L (Limited Commercial at 17 units/acre) zoning districts to R-8 (Residential at 8 units/acre) zoning district.

APPLICANT: MULLIGAN INVESTMENTS, LLC

LOCATION: +/- 12.66 ACRES AT "THE LANDINGS AT WATERFORD 10<sup>TH</sup> ADDITION"

**B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON**

- B1. That the existing land uses are residential and commercial.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is R-3 and C-17.
- B4. That the notice of public hearing was published on, November 23, 2013, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, November 25, 2013, which fulfills the proper legal requirement.
- B6. That 22 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 22, 2013.
- B7. That public testimony was heard on December 10, 2013.
- B8. That this proposal is in conformance with the Comprehensive Plan policies as follows:

***Objective 1.11***

**Community Design:**

Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.

***Objective 1.14***

**Efficiency:**

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

**Goal #3: Home Environment**

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

**Objective 3.01**

**Managed Growth:**

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

**Objective 3.04**

**Neighborhoods:**

Encourage the formation of active neighborhood associations and advocate their participation in the public process.

**Objective 3.05**

**Neighborhoods:**

Protect and preserve existing neighborhoods from incompatible land uses and developments.

- B9. That public facilities and utilities are available and adequate for the proposed use. This is based on the staff comments included in the staff report from departments regarding the availability of utilities and facilities for the proposed use.
- B10. That the physical characteristics of the site do make it suitable for the request at this time because there are no physical constraints and the subject property is relatively flat and currently vacant.
- B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, or existing land uses because the connecting streets will accommodate the additional traffic and the R-8 zoning district is consistent with the surrounding developments in the neighborhood. It also fits within the Atlas-Prairie (Today) character as described in the 2007 Comprehensive Plan.

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of MULLIGAN INVESTMENTS, LLC for a zone change, as described in the application should be approved.

Special conditions applied are as follows:

NONE

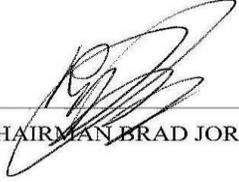
Motion by Haneline, seconded by Luttrupp, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Evans	Voted Yes
Commissioner Luttrupp	Voted Yes
Commissioner Haneline	Voted Yes

Commissioners Bowlby and Messina were absent.

Motion to approve carried by a 3 to 0 vote.



CHAIRMAN BRAD JORDAN

**COEUR D'ALENE CITY COUNCIL  
FINDINGS AND ORDER**

**A. INTRODUCTION**

This matter having come before the City Council on, February 18, 2014, and there being present a person requesting approval of Item: ZC-1-13, a request for a portion of "The Landings at Waterford 10<sup>th</sup> Addition" from R-3 (Residential at 3 units/acre) and C-17L (Limited Commercial at 17 units/acre) zoning districts to R-8 (Residential at 8 units/acre) zoning district.

APPLICANT: MULLIGAN INVESTMENTS, LLC

LOCATION: +/- 12.66 ACRES AT "THE LANDINGS AT WATERFORD 10<sup>TH</sup> ADDITION"

**B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON**

**(The City Council may adopt Items B1-through7.)**

- B1. That the existing land uses are residential and commercial.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is R-3 and C-17.
- B4. That the notice of public hearing was published on, February 1, 2014, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on January 31, 2014, which fulfills the proper legal requirement.
- B6. That 21 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on January 31, 2014.
- B7. That public testimony was heard on February 18, 2014.
- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

B9. That public facilities and utilities **(are) (are not)** available and adequate for the proposed use. This is based on

**Criteria to consider for B9:**

1. Can water be provided or extended to serve the property?
2. Can sewer service be provided or extended to serve the property?
3. Does the existing street system provide adequate access to the property?
4. Is police and fire service available and adequate to the property?

B10. That the physical characteristics of the site **(do) (do not)** make it suitable for the request at this time because

**Criteria to consider for B10:**

1. Topography
2. Streams
3. Wetlands
4. Rock outcroppings, etc.
5. vegetative cover

B11. That the proposal **(would) (would not)** adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, **(and) (or)** existing land uses because

**Criteria to consider for B11:**

1. Traffic congestion
2. Is the proposed zoning compatible with the surrounding area in terms of density, types of uses allowed or building types allowed
3. Existing land use pattern i.e. residential, commercial, residential w churches & schools etc.

**C. ORDER: CONCLUSION AND DECISION**

The City Council, pursuant to the aforementioned, finds that the request of MULLIGAN INVESTMENTS, LLC for a zone change, as described in the application should be **(approved)** **(denied)** **(denied without prejudice)**.

Special conditions applied are as follows:

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to adopt the foregoing Findings and Order.

**ROLL CALL:**

Council Member Gookin	Voted _____
Council Member Edinger	Voted _____
Council Member Evans	Voted _____
Council Member McEvers	Voted _____
Council Member Adams	Voted _____
Council Member Miller	Voted _____

Mayor Widmyer Voted \_\_\_\_\_ (tie breaker)

Council Member(s) \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

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MAYOR STEVE WIDMYER

INFORMATION SECTION

Including

Correspondence

Board, Commission, Committee Minutes

**CITY OF COEUR D'ALENE**  
**Treasurer's Report of Cash and Investment Transactions**

FUND	BALANCE 12/31/2013	RECEIPTS	DISBURSE- MENTS	BALANCE 1/31/2014
<u>General-Designated</u>	\$452,599	\$10,458	\$4,925	\$458,132
<u>General-Undesignated</u>	1,869,447	27,359,226	18,041,909	11,186,764
<u>Special Revenue:</u>				
Library	(126,712)	616,415	105,690	384,013
CDBG	(12)	11,996	12,039	(55)
Cemetery	82,948	19,868	17,091	85,725
Parks Capital Improvements	63,108	4,714		67,822
Impact Fees	2,765,597	198,294		2,963,891
Annexation Fees	10,776	57,751		68,527
Insurance	1,340,201	68	1,853,161	(512,892)
Cemetery P/C	1,770,436	12,860	480	1,782,816
Jewett House	59,867	915	979	59,803
Reforestation	16,604	211	273	16,542
Street Trees	187,655	2,410	2,100	187,965
Community Canopy	2,505			2,505
CdA Arts Commission	1,788	1		1,789
Public Art Fund	63,002	15,553		78,555
Public Art Fund - LCDC	486,614	24	40,000	446,638
Public Art Fund - Maintenance	117,648	5,137	55	122,730
<u>Debt Service:</u>				
2002 & 2006 G.O. Bonds	491,172	589,370		1,080,542
LID Guarantee	36,050	1,024		37,074
LID 130 Lakeside / Ramsey / Industrial Park	51,564			51,564
LID 146 Northwest Boulevard	-			-
LID 149 4th Street	2,813			2,813
<u>Capital Projects:</u>				
Street Projects	246,974	12,237	75	259,136
<u>Enterprise:</u>				
Street Lights	161,073	43,098	87,285	116,886
Water	728,145	235,336	246,401	717,080
Water Capitalization Fees	2,999,570	107,312		3,106,882
Wastewater	5,296,066	2,370,958	1,471,615	6,195,409
Wastewater-Reserved	1,134,783	27,500		1,162,283
WWTP Capitalization Fees	2,905,398	389,512		3,294,910
WW Property Mgmt	60,668			60,668
Sanitation	(411,999)	283,441	277,499	(406,057)
Public Parking	(67,979)		7,173	(75,152)
Stormwater Mgmt	177,711	86,745	29,999	234,457
Wastewater Debt Service	1,012,114	51	19,850	992,315
<u>Fiduciary Funds:</u>				
Kootenai County Solid Waste Billing	190,784	190,649	191,449	189,984
LID Advance Payments	787	31		818
Police Retirement	1,347,483	92,466	25,627	1,414,322
Sales Tax	1,474	1,954	1,474	1,954
BID	113,004	6,126		119,130
Homeless Trust Fund	564	411	564	411
<b>GRAND TOTAL</b>	<b>\$25,642,289</b>	<b>\$32,754,122</b>	<b>\$22,437,713</b>	<b>\$35,958,698</b>

CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
FOUR MONTH ENDED  
31-Jan-2014

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 1/31/2014	PERCENT EXPENDED
Mayor/Council	Personnel Services	\$212,366	\$71,703	34%
	Services/Supplies	11,840	4,091	35%
Administration	Personnel Services	319,115	133,419	42%
	Services/Supplies	69,390	6,127	9%
Finance	Personnel Services	614,642	202,910	33%
	Services/Supplies	99,060	33,435	34%
Municipal Services	Personnel Services	960,817	321,597	33%
	Services/Supplies	444,141	170,858	38%
	Capital Outlay	7,000		
Human Resources	Personnel Services	244,271	41,694	17%
	Services/Supplies	30,200	5,380	18%
Legal	Personnel Services	1,377,700	464,517	34%
	Services/Supplies	104,126	28,845	28%
Planning	Personnel Services	433,125	112,819	26%
	Services/Supplies	9,100	1,980	22%
Building Maintenance	Personnel Services	299,965	90,885	30%
	Services/Supplies	122,296	32,077	26%
	Capital Outlay			
Police	Personnel Services	9,640,019	2,881,404	30%
	Services/Supplies	796,950	206,400	26%
	Capital Outlay	66,372	14,550	22%
Fire	Personnel Services	7,524,974	2,722,554	36%
	Services/Supplies	405,436	101,227	25%
	Capital Outlay			
General Government	Services/Supplies	216,920	216,806	100%
	Capital Outlay			
Byrne Grant (Federal)	Personnel Services		55,268	
	Services/Supplies		21,186	
	Capital Outlay			
COPS Grant	Personnel Services	116,206		
	Services/Supplies			
CdA Drug Task Force	Services/Supplies	43,100	8,611	20%
	Capital Outlay	27,156	13,402	
Streets	Personnel Services	1,904,608	563,662	30%
	Services/Supplies	553,251	191,268	35%
	Capital Outlay		3,573	

CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
FOUR MONTH ENDED  
31-Jan-2014

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 1/31/2014	PERCENT EXPENDED
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CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
FOUR MONTH ENDED  
31-Jan-2014

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 1/31/2014	PERCENT EXPENDED
ADA Sidewalk Abatement	Personnel Services	210,544	62,070	29%
	Services/Supplies	38,300	3,605	9%
Engineering Services	Personnel Services	523,881	178,486	34%
	Services/Supplies	741,600	40,712	5%
	Capital Outlay			
Parks	Personnel Services	1,404,361	326,164	23%
	Services/Supplies	438,300	70,870	16%
	Capital Outlay	83,000		
Recreation	Personnel Services	619,035	175,151	28%
	Services/Supplies	136,200	21,082	15%
Building Inspection	Personnel Services	850,588	248,387	29%
	Services/Supplies	43,258	7,485	17%
Total General Fund		<u>31,743,213</u>	<u>9,856,260</u>	<u>31%</u>
Library	Personnel Services	1,034,823	341,958	33%
	Services/Supplies	182,350	52,905	29%
	Capital Outlay	110,000	35,557	32%
CDBG	Services/Supplies	297,298	37,725	13%
Cemetery	Personnel Services	140,091	40,477	29%
	Services/Supplies	94,164	14,998	16%
	Capital Outlay	38,000		
Impact Fees	Services/Supplies	731,710		
Annexation Fees	Services/Supplies	14,000	14,000	100%
Parks Capital Improvements	Capital Outlay	460,800	85,541	19%
Insurance	Services/Supplies	280,000	188,250	67%
Cemetery Perpetual Care	Services/Supplies	98,000	32,378	33%
Jewett House	Services/Supplies	59,640	4,384	7%
Reforestation	Services/Supplies	2,000	414	21%
Street Trees	Services/Supplies	65,000	7,800	12%
Community Canopy	Services/Supplies	1,500	264	18%
CdA Arts Commission	Services/Supplies	6,600	33	1%
Public Art Fund	Services/Supplies	250,800	59,231	24%
Total Special Revenue		<u>3,866,776</u>	<u>915,915</u>	<u>24%</u>

CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
FOUR MONTH ENDED  
31-Jan-2014

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 1/31/2014	PERCENT EXPENDED
Debt Service Fund		<u>1,255,435</u>	<u>51,200</u>	<u>4%</u>

CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
FOUR MONTH ENDED  
31-Jan-2014

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 1/31/2014	PERCENT EXPENDED
15th Street at Cherry Hill	Capital Outlay	68,370		
Govt Way - Hanley to Prairie	Capital Outlay	1,300,000	23,667	2%
Levee Certification	Capital Outlay	260,000	62,428	24%
15th Street - Lunceford to Dalton	Capital Outlay			
3rd / Harrison signal	Capital Outlay		23,053	
Atlas Road Widening	Capital Outlay	394,000		
Kathleen Ave Widening	Capital Outlay	50,000		
Total Capital Projects Funds		2,072,370	109,148	5%
Street Lights	Services/Supplies	572,000	179,949	31%
Water	Personnel Services	1,652,706	538,168	33%
	Services/Supplies	4,219,911	373,438	9%
	Capital Outlay	2,329,900	166,522	7%
Water Capitalization Fees	Services/Supplies	1,100,000		
Wastewater	Personnel Services	2,352,374	734,391	31%
	Services/Supplies	6,338,854	671,303	11%
	Capital Outlay	10,160,300	2,650,800	26%
	Debt Service	2,025,641		
WW Capitalization	Services/Supplies	900,000		
Sanitation	Services/Supplies	3,499,362	1,156,614	33%
Public Parking	Services/Supplies	179,957	42,601	24%
	Capital Outlay			
Stormwater Mgmt	Personnel Services	103,183	34,670	34%
	Services/Supplies	663,812	107,984	16%
	Capital Outlay	250,000		
Total Enterprise Funds		36,348,000	6,656,440	18%
Kootenai County Solid Waste		2,200,000	542,502	25%
Police Retirement		175,800	59,532	34%
Business Improvement District		186,000	40,000	22%
Homeless Trust Fund		5,900	1,278	22%
Total Fiduciary Funds		2,567,700	643,312	25%
TOTALS:		\$77,853,494	\$18,232,275	23%