

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

February 4, 2025

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room on February 4, 2025, at 6:00 p.m., there being present the following members:

Woody McEvers, Mayor

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

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

**INVOCATION:** Paul Van Noy of Candlelight Christian Fellowship led the invocation.

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

**POLICE DEPARTMENT OPIOID PROGRAM:** Police Chief Lee White stated that last year, Council approved the use of settlement funds for the creation of the Opioid Task Force. This task force includes Sgt. Eric Boardman and two detectives who work on this initiative. Chief White stated that their primary responsibilities include responding to overdose calls and providing necessary assistance; providing training for first responders and the community; coordinating and engaging with nonprofits, health districts, post-conviction services, and school staff for training and resources; and conducting investigations into illicit opioid trafficking and distribution.

Sgt. Eric Boardman presented local drug trends, highlighting some alarming statistics. Nationally, in 2023, there were 107,000 overdose deaths, compared to 41,000 traffic fatalities, meaning overdose deaths were more than double, equating to one overdose death every 11 minutes. In Kootenai County, there were 27 overdose deaths last year, translating to one in 6,900 based on population. Spokane County saw 245 overdose deaths, or one in 2,254 people, while Coeur d'Alene had six overdose deaths, or one in 9,500 people. Sgt. Boardman stated that opioid overdose is the leading cause of death for Americans aged 18 to 45. He explained that the landscape of narcotics and illicit drug use has changed significantly in the last 10 years due to the rise of synthetic opiates, particularly fentanyl, which has been around since the 70s and 80s, mainly for end-of-life care in hospice settings. It's a synthetic opioid, 50 times more potent than heroin. However, its illicit use began around 2015-2016, often sourced from China and sold on the dark web, leading to a significant rise in overdose deaths. Cartels saw the profit potential and started producing fentanyl in pill form, creating a new wave of addiction. As little as 2 milligrams of

fentanyl can be lethal. Sgt. Boardman provided visuals on various drugs, counterfeit pills, paraphernalia, and the different delivery methods and apps being used. He emphasized the importance of recognizing paraphernalia, such as foils appearing repeatedly in the same spots, and informing the Opioid Task Force for intervention. He added that first responders and law enforcement play a crucial role in frontline treatment during overdoses. Lastly, he appealed to the community to stay vigilant and informed to protect against the dangers of synthetic opioids. Children should be empowered with knowledge, and it is crucial to educate them about drug terminology and what to look for on their phones.

Councilmember Wood thanked Sgt. Boardman for his presentation and expressed her pride in the City and the Police Department for establishing the Opioid Task Force. She inquired about the level of cooperation with other agencies, such as the Idaho State Police (ISP), Spokane County, and Kootenai County, given that US-95 and I-90 are known drug corridors. Sgt. Boardman explained that one of their team members is a DEA Task Force Officer, which allows them to push cases across state lines and go federal when necessary. He mentioned that they work closely with Kootenai County's Special Investigations Unit (SIU), and many cases overlap, leading to frequent joint efforts. He also maintains good contacts in Spokane and attends quarterly PHAST meetings to stay updated on their trends. He emphasized that their policy is to prioritize getting people off the streets, regardless of who makes the arrest. Councilmember English shared that he knows firsthand the pain of losing someone to this crisis, having lost their daughter about two years ago when she started self-medicating and accidentally took something mixed with fentanyl. She was a Navy Corpsman for 20 years. As a counselor, Councilmember English regularly sees the impact of this issue, noting that two or three of his 15 weekly client contacts are parents who have lost someone or individuals who have gone through similar experiences. Mayor McEvers asked if the mentality behind taking these substances is like in the past to have fun, or if it is more about escaping problems with Sgt. Boardman responding that he had seen it both ways, those looking to have fun and those trying to escape problems; however, the availability and appearance of these drugs make it a much more complex issue today.

**FIRE DEPARTMENT DEMOLITION TRAINING PROGRAM:** Fire Chief Tom Greif noted that he, along with Deputy Fire Chief Bill Deruyter and the Deputy Fire Marshal, attended the Historic Preservation Commission (HPC) meeting on January 22 to answer questions about the Pennsylvania House incident, where the Fire Department had unknowingly complicated the initial review process. He explained that they have had a thorough acquired structure process in place for over 10 years, which has worked well without any incidents until the introduction of this new review process. Chief Greif acknowledged and fully supports the efforts and mission of the HPC in this new review process. He also expressed gratitude to the community members who have donated property structures, both commercial and residential, providing invaluable training opportunities over the past 10 to 12 years. He mentioned that last week, they met with multiple City Departments to develop a process through the city's permit system to prevent future mishaps.

Deputy Fire Chief Bill Deruyter outlined the procedures for acquiring structures for their training program. He emphasized that training in commercial and residential structures resembling those within the city provides valuable preparation for unforeseen emergencies. This training not only enhances public safety but also inspires future generations, especially children, to consider careers as firefighters. Given the high cost of training materials, acquiring buildings for free significantly

benefits their program. Deputy Chief Deruyter explained that the process begins with the demo permit process, where the Fire Department receives an email with the permit number and reviews the permit for partial or total demolition and the type of structure. The owner or designee is then contacted for a potential training opportunity, and a Training Agreement is signed. An asbestos report is obtained, and pictures of the structure are taken for training development purposes. Utilities are confirmed to be secured, and specific rules and timelines are obtained from the owner. A notebook with all pertinent information is created, and notifications are hand-delivered to nearby homes and businesses before training begins. Since the last scheduled training, several improvements have been made, including adding demolition permits to the Building Plan Check list on the Design Review Team (DRT) agenda and incorporating Historic Preservation Demolition review into the DRT agenda. The Fire Department met with City Departments on January 29 to improve demolition review coordination and communication. The agreed-upon steps include routing all full demolition permits to relevant departments for review, adding a Critical Notices pop-up alert to demolition permits requiring HPC review for structures built before 1960, and requesting demolition timelines from contractors/owners. Each department will make notes in the demolition permit indicating their review and conditions, including whether HPC review is needed and if the Fire Department will enter into a training agreement with the property owner. Letters and documents will be uploaded to the permit program for all departments to see the status and next steps. The Fire Department will include the age of the structure and whether it is being reviewed by the HPC in the training agreements. The Planning Department will notify the Fire Department when the HPC has signed off or if a structure built before 1960 doesn't require HPC review. Water, Wastewater, Engineering, and Urban Forestry will add notes in bold on-site plans submitted with demolition permits for conditions that need to be met. Lastly, the Building Department will create a mock demolition permit to provide departments with a training opportunity to practice the process.

Councilmember Gabriel mentioned that there will likely be more historic structures in the future, and their layouts are not typical. Deputy Chief Deruyter agreed, noting that they trained in a house with a stairway that led nowhere and an Accessory Dwelling Unit (ADU) built above it. He added that out of every 10 homes, they find one suitable for training that meets asbestos report and timeline requirements, allowing them to train in about five homes a year.

In closing, Chief Greif shared that the Alternative Response Unit (ARU) started last Monday. This is the crew that will respond to the hospital corridor, which has many care and nursing facilities. They hope to gather good data over the next four to six months to see if it's a valuable resource and report back to Council.

#### **PUBLIC COMMENTS:**

Paul Van Noy, Coeur d'Alene, stated that a month ago, he asked the Council not to vote and revisit the Emergency Operations Plan, which he believes contains many constitutional rights violations. He shared that he spoke with county commissioners and the sheriff, who also recognized these issues. He added that there is now a bill at the state level addressing this and provided copies to Council.

Arthur Macomber, Coeur d'Alene, stated that he wrote a 35-page legal analysis of the Emergency Operations Plan (EOP) and urged the Council not to approve the revised EOP. He relayed his concern that the EOP encourages blurred accountability and ad hoc decisions. It violates Section 12, of Article 1, of the Idaho Constitution by favoring military-style governance over civil governance. He added that the EOP needs to be completely rewritten.

Tyler Davis, Coeur d'Alene, expressed his support for Michael Koep for the Wednesday night concert series. He apologized to the City and affected vendors for last year's cancellation due to bad weather and an underfunded season. He mentioned about acquiring the alcohol rights for future events, allowing him to refund and compensate those unintentionally harmed last season. He thanked the Council and assured them of his best intentions.

Suzanne Knutson, Coeur d'Alene, thanked Council for their support on specialized needs recreation. She shared the different activities slated for their 41<sup>st</sup> year starting with an Open House on May 13 showcasing their program, facility, and activities. Their second annual Pickleball Tournament will be held on June 27 at Cherry Hill Park, with registration opening on February 15. They have a big fundraiser auction event called "Gems and Jeans" happening on September 25. Ms. Knutson invited the Council and the community to attend the 3<sup>rd</sup> Annual Craft and Culture Fair of Sons of Norway happening on Saturday, February 8, at Trinity Lutheran Church.

Walter Burns, Coeur d'Alene, stated that there's been a lot of discussion and media attention on the new demolition ordinance for historic properties that Council approved last November. He said that since the ordinance took effect, there have been five demolition requests for buildings constructed before 1960. In four of these cases, the Historic Preservation Commission (HPC) voted to issue the demolition permits after determining that the properties were not historically important. One application required a meeting to discuss the future of 918 Pennsylvania Ave., a 1949 home contributing to the Garden District's nomination to the National Register of Historic Places. The applicant planned to replace it with two structures, but the building was partially demolished before the meeting, hence the focus shifted to the replacement structure's design, and the HPC suggested modifications were rejected by the applicant. Mr. Burns explained that while the building couldn't be saved, the process provided valuable insights. The five demolition requests in January highlight the threat to older neighborhoods and the importance of the new demolition process. He pointed out that the applicant's rejection of the Commission's input indicates a need for better outreach and communication with the developer community and others. He said that the process is working as intended.

## **ANNOUNCEMENTS:**

Councilmember Evans congratulated Jennifer Drake for being recognized as a Women of Distinction in arts and culture by Soroptimist CDA. She stated that Ms. Drake served in the Arts Commission for many years. The award ceremony will take place on February 22, 2025, at 11:00 a.m. at the Jacklin Arts Cultural Center in Post Falls. Councilmember Evans thanked Councilmember Miller for taking the time to nominate Ms. Drake for all her great work on the Arts Commission.

Councilmember Miller shared that the Broadway musical "Rent" is currently playing at the Lake City Playhouse. They are offering a special show on Thursday where attendees can pay whatever amount they can to see the play. The show starts at 7:30 p.m.

Councilmember Wood requested an agenda item to revisit the discussion on turkeys and rabbits, noting that she continues to receive emails and phone calls from citizens eager for the Council to address the issue. She also asked for a meeting or presentation on the budget before any budget workshop. Councilmember Miller suggested consolidating all animal-related codes into one comprehensive set of rules. She mentioned the idea of involving university interns to provide recommendations. Councilmember Gookin noted that the budgeting process begins in April. Mr. Tymesen added that the audit is nearing completion, and a report on the fund balance will be available by mid-April. He also mentioned upcoming negotiations with the Lake City Employees Association and the Police Association.

**CONSENT CALENDAR:**

1. Approval of Council Minutes for the January 21, 2025, Council Meeting.
2. Approval of Minutes from the January 27, 2025 General Services/Public Works Committee Meetings.
3. Setting of the General Services/Public Works Committee Meeting at Noon on February 10, 2025.
4. Setting of public hearings for **February 18, 2025**: V-25-01, Vacation of alley right-of-way located within a portion of Block 2 of the Kootenai Addition in the City of Coeur d'Alene
5. Approval of Bills as Submitted.
6. Approval of **Resolution No. 25-004** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING A QUIT CLAIM DEED FOR FOURTEEN PARCELS OF RIGHT-OF-WAY FROM THE IDAHO TRANSPORTATION DEPARTMENT WHICH IT ACQUIRED FOR THE CONSTRUCTION OF US-95 IMPROVEMENTS AND WHICH, AFTER COMPLETION OF THE IMPROVEMENTS, ARE NO LONGER NEEDED BY THE STATE.

**MOTION:** Motion by Evans, seconded by Gabriel to approve the Consent Calendar as presented, including **Resolution No. 25-004**.

**ROLL CALL:** Gabriel Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye; Miller Aye.

**Motion carried.**

**RESOLUTION 25-005**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH J-U-B ENGINEERS, INC. FOR A PAVEMENT MANAGEMENT SYSTEM REVIEW, IN AMOUNT NOT TO EXCEED \$15,700.00.

**STAFF REPORT:** Streets and Engineering Director Todd Feusier requested Council approve a Professional Services Agreement with J-U-B Engineers, Inc., for a pavement management system review. Mr. Feusier explained that the Streets & Engineering Department used a program called

Street Saver, which offers many great tools, but there hasn't been a comprehensive understanding of its full capabilities. Typically, they conduct visual inspections and assess how many years the roads have been in service. When roads start to show alligator cracking, they prioritize them for maintenance. Mr. Feusier stated that there are software and systems available that can help them adopt a more budgeted approach to road maintenance, allowing them to determine the remaining service life of road surfaces. J-U-B Engineers would help utilize existing data to prioritize chipseal and overlay projects, optimizing the City's budgeted pavement maintenance funds. The cost of the work performed under this professional services agreement is \$15,700.00, funded by the current Overlay/Chipseal Program. Mr. Feusier stated that this would allow J-U-B Engineers to start analyzing pavement data and assist the City in developing the management plan.

**DISCUSSION:** Councilmember Gabriel asked about the inventory and whether they are receiving the necessary budget. Mr. Feusier responded that they are currently behind. He noted that, despite making significant progress in recent years with work on Atlas, Northwest Boulevard from I-90 into town, and Sherman Avenue, Lakeside remains a problematic street that needs attention. This year, their focus is on 4th Street from Harrison to I-90 and sections of 3rd Street, which are major roads that need to be included in their plan. Additionally, City staff plan to work on Honeysuckle from Best to 4th Street in-house. Councilmember Evans inquired whether the City had previously partnered with J-U-B. Mr. Feusier responded that this would be their first collaboration, and they are excited to learn more about how the tool can benefit them. Councilmember Evans noted that the 60-day completion timeline mentioned in the contract seems very quick. Mr. Feusier explained that they are optimistic about completing the review now to be prepared for the 2025 season. Councilmember English inquired about the total miles of streets that the City of Coeur d'Alene is responsible for maintaining and the percentage that can be addressed annually. Mr. Feusier explained that, according to GIS mapping, there are just under 600 lane miles to be maintained. He added that the percentage completed each year is quite low, noting that only about 10 miles were done last year. Mayor McEvers noted that over the past 20 years, many parts of the City have been incorporated from the county as it expanded northward. He sought clarification on whether the plan would also address the smaller neighborhood streets that connect the main roads. Mr. Feusier explained that the plan includes arterials and collectors, and they will also inventory residential streets. He added that they need to start planning for fairly new streets as well, since the amount of construction happening shortens their lifespan. Mayor McEvers asked whether patching is included in the evaluation with Mr. Feusier explaining that they do a lot of deep cut patching throughout the City throughout the year, which is more of maintenance.

**MOTION:** Motion by Evans, seconded by Miller to approve **Resolution No. 25-005**, approving a Professional Services Agreement with J-U-B Engineers, Inc., for Pavement Management System Review in an amount not to exceed \$15,700.00.

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

## RESOLUTION 25-006

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH HMH ENGINEERING, INC. FOR THE EVALUATION OF PEDESTRIAN RAMPS TO DETERMINE COMPLIANCE WITH THE ADA IN AN AMOUNT NOT TO EXCEED \$18,062.28.

**STAFF REPORT:** Streets and Engineering Director Todd Feusier explained that evaluating pedestrian ramps for Americans with Disabilities Act (ADA) compliance is part of their pavement management efforts. He mentioned challenges due to Federal Highway Administration regulations on maintaining pedestrian ramps and sidewalks. When they undertake mill and overlay or mill and inlay projects, curb-to-curb repairs necessitate upgrading pedestrian ramps and sections of sidewalk to meet ADA requirements. This year, the goal is to upgrade 25 to 30 ramps, funded through their mill and inlay project. Moving forward, these repairs will be included in the annual paving budget to prevent falling behind. The proposed evaluation will identify non-compliant corners and determine necessary actions.

**DISCUSSION:** Councilmember Wood emphasized the necessity of the project and inquired whether the required funds are identified within their budget. Mr. Feusier confirmed that the Professional Services Agreement with HMH will be covered by their professional services line. He added that when proposing a mill and inlay project, they will incorporate concrete work into the same project and fund it from the same budget line, as both need to be done simultaneously. Mayor McEvers asked how often the ramps need to be updated, and Mr. Feusier explained that the requirements frequently change due to ADA requirements.

**MOTION:** Motion by Gabriel, seconded by Evans to approve **Resolution No. 25-006**, approving a Professional Services Agreement with HMH Engineering for ADA Pedestrian Ramp Evaluation in an amount not to exceed \$18,062.28.

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

## RESOLUTION 25-007

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A COOPERATIVE AGREEMENT WITH THE IDAHO TRANSPORTATION DEPARTMENT FOR REALIGNMENT OF THE CENTENNIAL TRAIL WITHIN PROJECT NO. A024(306) I-90, SH-41 TO US-95.

**STAFF REPORT:** Streets and Engineering Director Todd Feusier asked Council to approve a Cooperative Agreement with the Idaho Transportation Department (ITD) for the relocation of the Centennial Trail, which is located within ITD right-of-way on the south side of I-90. He explained that ITD is preparing to expand I-90 to four lanes in both directions. He stated that this project might go out to bid this spring, and include widening I-90, replacing the Atlas and Prairie Trail Bridges, improving ramps at the Northwest Blvd. and US-95 interchanges, and improvements along Centennial and Prairie Trails. The project requires temporary construction access onto a City

parcel for trail improvements and the State desires to quitclaim property to the City for a section of the realigned Centennial Trail.

**DISCUSSION:** Councilmember Evans inquired about the duration of the construction, noting that bids could be out as early as spring. Mr. Feusier responded that it would be a lengthy project, likely to take four seasons to complete the I-90 project, including the bridges in the roadway. He added that work on the right-of-way would need to be done first. Councilmember Gookin mentioned receiving an email from a concerned resident about the potential closure of the Centennial Trail. Mr. Feusier clarified that the plan would detour the trail down Atlas Road and then back onto the trail, so it would not be closed, just rerouted. Councilmember Gookin asked if the Centennial Trail would still be next to the freeway once the project is completed. Mr. Feusier confirmed this based on the last meeting he attended. Councilmember Wood said that people would like to know how long it would take to relocate the trail, which would mean a temporary closure. Mr. Feusier said he would seek clarification and provide a timeline. He added that there would be a detour route, not a hard closure. Mayor McEvers asked if the swale would be for the freeway, and Mr. Feusier confirmed, explaining that ITD would create swales along I-90 to manage water runoff.

**MOTION:** Motion by English, seconded by Wood to approve **Resolution No. 25-007**, approving a Cooperative Agreement with Idaho Transportation Department for the Replacement of the Centennial Trail required by the I-90 widening project.

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

### **RESOLUTION 25-008**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A WEEKLY CONCERT SERIES AGREEMENT WITH KOEP CONCERTS FOR A FREE WEDNESDAY NIGHT CONCERT SERIES AT MCEUEN PARK FOR A TERM OF FIVE-YEARS.

**STAFF REPORT:** Parks and Recreation Director Bill Greenwood discussed the recommendation of the Parks and Recreation Commission for Council to approve a five-year agreement with Koep Concerts for a free Wednesday night concert series at McEuen Park. Mr. Greenwood stated that since 2017, McEuen Park has hosted concerts, and currently, there are two free summer concert series at City Park and Riverstone Park. The Wednesday concerts were popular, but the previous promoter could not continue. He stated that after receiving interest from several individuals, a Request for Proposals was issued for free concert series, and Koep Concerts ranked the highest. Mr. Greenwood stated that there is no financial outlay for the City; Koep Concerts will pay a refundable deposit of \$5,000 at the start of each season and pay \$400 per concert, covering all associated costs. This concert series will provide free, family-friendly entertainment, similar to the other two park concerts.

**DISCUSSION:** Councilmember Wood asked Mr. Greenwood to address Mr. Davis's public comments and whether there were discussions about his proposal for an alcohol deal. Mr. Greenwood explained that the information was presented to the Council late in the afternoon, and

while he had a chance to review it, the agreement is with Mr. Koep, and the choice of alcohol vendors would be up to him. He added that suggesting the City allow Mr. Davis to have an agreement with Mr. Koep is off base, noting that Mr. Davis had ample opportunities to address this issue and the legal team's press release provides a clear depiction of the City's decision to cut ties with Mr. Davis. Councilmember English pointed out that Mr. Davis's proposed liquor agreement is for nine years, while the concert series agreement is only for five years. Mr. Greenwood suggested that Mr. Davis might be referring to his long involvement in the concert series. Councilmember Evans expressed her support for the idea of free concerts for citizens, questioning the rationale since past "Live After Five" concerts charged a fee. Mr. Greenwood explained that previous ventures seemed more focused on profit than community benefit, with prices increasing over the years and then people could see similar performances around town for free like at Riverstone and City Park. He stated that offering the concert for free would allow everyone to enjoy some summer fun without having to spend money. Councilmember Evans noted that Section 4 of the agreement mentions appropriate attire, with the City approving what Koep representatives, agents, and employees wear. Mr. Greenwood clarified that this is to ensure they look professional and are easily identifiable to the public, a standard clause in all City agreements. Councilmember Miller praised Mr. Koep's creativity and talent but raised concerns about the agreement, suggesting it seemed to dictate how a vendor should operate. She noted that McEuen Park is unique compared to other parks and questioned the extent of control over the vendor, suggesting that the lines of responsibility are blurred. She suggested that instead of a long-term commitment, a test period or a one-year agreement with a review at the end would be more prudent as this would allow both parties to evaluate what worked and what didn't and make the necessary adjustment to ensure the success of the free concert series. She asked if an amendment clause is in the agreement with City Attorney Randall Adams responding that there was none. Mr. Greenwood explained that while people are used to the "Live at Five" concerts, Mr. Koep has done a great job with branding and with the same approach he did at City Park, people will soon understand who's running the concert and how it's being managed. He added that agreements typically span for five years and while there is no amendment clause, it allows for mutual termination; vendors can leave even before the term expires. Councilmember Miller suggested adding language to the agreement that there would be a review after the first season. Mr. Greenwood expressed confidence that the current agreement provides that flexibility and stressed that the Request for Proposals (RFP) was based on this agreement. Councilmember Evans wanted to ensure Mr. Koep is not being forced to offer free concerts if the community is willing to pay. She emphasized the importance of setting Mr. Koep up for success. Mr. Greenwood explained that changing the approach would require starting over, as the RFP was designed for free concerts, and Mr. Koep is confident in this model. Councilmember Gookin stated that he believes that Mr. Koep has proven himself in both the City Park and Riverstone concerts to get this concert at McEuen to launch and so he doesn't have any issues with it.

**MOTION:** Motion by Gookin, seconded by English to approve **Resolution No. 25-008**, approving an agreement with Koep Concerts, for a free Wednesday night concert series at McEuen Park for a term of five (5) years.

**DISCUSSION:** Councilmember Wood stated that while she understands the concerns of Councilmembers Miller and Evans, starting over would mean a delay of everything. Councilmember Evans explained that she is just looking at every avenue for success. She asked if

an exception can be made in the RFP with Mr. Adams stating that the City would be tied to enter into an agreement along the terms that was set up in the RFP which is five years of free concert but the law is any contract can be amended by mutual agreement of the parties so it does not foreclose the Council and Mr. Koep from trying to amend the contract at some later date. He added that there is no termination clause in the current contract. Councilmember Miller stated that a termination clause should be added and a requirement that there's an amendment conversation at the end of the first year as there may be a need to restructure the terms of the contract. She asked Councilmember Gookin to amend his motion to add a termination clause and require a review at the end of the first year for potential amendments. Councilmember English stated that he will stay with the earlier motion that was made.

Mr. Koep expressed his gratitude to the Council, feeling well taken care of. He mentioned that the idea of free concerts originated from Mr. Greenwood, with the goal of benefiting the community. He stated that organizing the event required significant effort and collaboration with the Parks Department, Chamber of Commerce, and Downtown Association. He anticipates large crowds and aims to pay performers and vendors fairly to ensure a high-quality experience. He is open to amendments and suggestions and believes he can find creative solutions to making the event successful.

Councilmember Evans stated that she will be in support of free concerts hearing that Mr. Koep is comfortable not charging. Councilmember Gookin stated that Councilmember Miller raised some valid points and asked Mr. Greenwood to bring it up to the Parks and Recreation Commission to address if it can be put in contracts going forward. Mayor McEvers asked about security and if the liquor is screened with Mr. Greenwood replying that it is in the RFQ. He explained that it would not be the entire park but will be an area cordoned off and adjacent to the Pavillion. He added that the security will be hired out. Mr. Greenwood mentioned adding a stage at McEuen Park in partnership with the community in the succeeding seasons. Councilmember Miller stated that there might be clubs who would want to sponsor. Councilmember Wood asked if there is a need to start over with the points raised by Councilmember Miller. Mr. Adams clarified that the termination clause is standard in all contracts and Mr. Koep agrees to those, and those are within the scope of Councilmember Miller's suggestion. He added that the RFP was a broad brush for five years and the individual terms are really up to negotiation. Mr. Adams pointed out every Resolution that the Council approves indicates that the agreements can be amended by the City Administrator, City Attorney, and the Mayor, as long as the essence of the agreement remains in place. He clarified that the motion remains the same, Councilmember Miller just asked Councilmember Gookin if he would amend his motion.

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

**RECESS:** Mayor McEvers called for a recess at 8:09 p.m. The meeting resumed at 8:17 p.m.

**(QUASI JUDICIAL PUBLIC HEARING) BR-1-24 - LAMAR ADVERTISING OF SPOKANE IS REQUESTING A VARIANCE IN CONJUNCTION WITH A RELOCATION AND DIGITIZATION OF A TWO-SIDED 300 SQUARE FOOT V-BUILD BILLBOARD; CURRENT LOCATION IS 1621 NORTHWEST BOULEVARD TO BE REMOVED AND**

**RELOCATED TO 3119 N. 2ND STREET, WHILE ADDRESSED OFF OF 2ND STREET, THE BILLBOARD WOULD BE ADJACENT TO GOVERNMENT WAY.**

Mayor McEvers asked if any Councilmember had a conflict of interest or had received or exchanged information related to the variance and relocation hearing that was not included in the Council packet and requested disclosure of such information. Councilmember Evans stated that she received an email from a certain Dan Stubbs at 4:54 p.m. with the title Lamar Sign relocation to Government Way but haven't read the email yet. Councilmember Gookin stated that all Councilmembers received the same email. Councilmember Wood stated that she has not read it. Councilmember Miller stated that she received an email from Jeff Connaway addressed to all Council. Ms. McLeod noted that his email came after the packet, and he signed up to speak during the public hearing as well. Councilmember Gookin asked to be reminded of the nature of a quasi-judicial hearing with Mr. Adams explaining that the Council operates in either a quasi-judicial or legislative mode. Legislative mode involves passing laws that affect the public, while quasi-judicial actions impact specific individuals or issues. The procedures differ: in quasi-judicial mode, decisions must be based solely on information presented during the public hearing, including written comments, whereas legislative mode does not have this requirement.

**APPLICATION FOR A VARIANCE FROM STANDARDS FOR HEIGHT AND PROXIMITY TO RESIDENTIAL ZONES FOR A BILLBOARD RELOCATION REQUEST.**

**STAFF REPORT:** Municipal Services Director Renata McLeod presented the variance request by Lamar Advertising Company of Spokane (Lamar) to relocate a billboard to Government Way which would require a variance for height and distance from residential zoning. She noted that Ordinance 3731, approved on June 18, 2024, allows such relocations under specific conditions, including a public hearing and Council findings. Lamar seeks to move a billboard from 1621 Northwest Blvd. to 3119 N. 2nd Street, increasing its height from 25'8 1/2" to 37', with the closest residential property 380 feet away. Ms. McLeod noted that a variance can be granted for undue hardship due to site characteristics if it aligns with public interest and the Sign Code's purposes. She pointed out that Lamar cited site restrictions, limited possibilities, and OSHA requirements as reasons for the variance. Planning Director Hilary Patterson explained the use of Esri or GIS mapping to illustrate potential billboard views from different angles. The variance request addresses both height and proximity to residential zones, with measures to mitigate issues, such as a V-style sign facing away from residential areas and the height of the Coeur d'Alene paving building helping to block views. Ms. McLeod said that properties within 300 feet of the proposed site were notified. Councilmember Gookin asked if there were responses received, and Ms. McLeod replied that there were none. Ms. McLeod mentioned that Lamar also requests the billboard to be an illuminated electronic messaging display. Ms. McLeod concluded with eight relocation findings for the Council to consider such as the billboard's compliance with the Sign Code, its impact on visual quality, compatibility with adjacent uses, and compliance with city standards for illumination and electronic displays.

**DISCUSSION:** Councilmember Gookin asked if the 300-foot radius is measured from the property lines rather than the billboard itself, and Ms. McLeod confirmed this. She explained that the findings specifically assess compatibility with buildings or structures within that 300-foot

boundary from the property lines. Councilmember Wood noted that the measurements were approximate and asked how they were taken. Ms. Patterson explained that they used a GIS mapping tool to measure in feet, adding that the measurements are approximate since she was not in the field to be able to say that it's an exact measurement, but would not be substantially different.

**APPLICANT:** Duane Halliday, Vice President and General Manager of Lamar Outdoor Advertising, thanked the Council for the opportunity to present their case regarding the height and spacing issues. He stated that they have addressed these concerns well. He shared that he grew up on Government Way, which has changed to a more commercial area, and so their advertisers prefer this area. Additionally, he stated that they plan to partner with the Police Department to use a billboard slot for public safety messages.

**PUBLIC TESTIMONY:** Mayor McEvers opened the public testimony portion of the hearing with the Clerk swearing in those who will testify.

Neil Schreibeis, Post Falls, thanked Council for considering Lamar's proposal to relocate a billboard from Northwest Blvd. to Government Way. He noted that the Council had previously approved converting billboards to digital faces and relocating them within city limits. Lamar has converted two locations to digital signs without relocating them and received positive feedback from local businesses. Mr. Schreibeis emphasized Lamar's commitment to supporting the community and local businesses. He explained the need for a variance due to height and proximity to residential zones, citing site restrictions and safety standards. He also highlighted the benefits of digital billboards for public safety messages and community awareness. He concluded by addressing the height and proximity issues, noting that the proposed billboard would be 37 feet high, below the maximum allowed height, and that measurements would be taken to mitigate visibility and light concerns for nearby residential areas.

Councilmember Miller asked if they have software that would produce signs that would show how it would look like during night time with Mr. Schreibeis responding that they don't have that capability locally, but he can request that from their corporate office. Councilmember Gookin noted that the billboard on Northwest Boulevard seems to be short and Mr. Schreibeis stated that the billboard is not typical as it was built a long time ago and there were no setback requirements at that time that is why it is so close to the road. Councilmember Gookin inquired about their standards for setting the height of their billboard. Mr. Schreibeis stated that as a general rule they would want it to be view from a moving car and typically they have to get away from buildings and other signs. Councilmember Evans asked whether during the evaluations of the site and creation of the ordinance, if the City staff and Lamar recognized that the neighborhood distance, if not the height, would be an issue. She pointed out that this should have been identified early in the process. Mr. Schreibeis responded that in his first meeting with staff, he mentioned that 90% of the ordinance they had drafted needed to be reconsidered. He added that they had no input on its initial creation.

Jeff Connaway, Coeur d'Alene, addressed the Council last fall about changes to the ordinance allowing billboard relocations and variances, which were approved. Recently, he worked on a sign project at Best Ave. and 11th Street and checked with Deputy Clerk Kelley Setters about variance provisions for the vision triangle, learning that only billboards have such provisions. Mr.

Connaway questioned why variances are allowed for billboards but no other signs. He also criticized the idea of replacing an old billboard on Northwest Blvd. with a modern digital display on Government Way, noting that digital billboards are more valuable to advertisers but can be nuisances, eyesores, and traffic hazards. He highlighted that the proposed sign is much larger than any business sign in the area and changes every 8 seconds, which doesn't fit the neighborhood's scale. Connaway urged the Council to deny the variance request.

Mr. Schreibeis confirmed that they do make more money from digital billboards, but it also allows them to provide more services to the community, such as Amber Alerts and non-profits announcements, which wouldn't be possible with static boards. He explained that the current structure on Northwest Blvd. can't support a digital billboard due to building codes, as it would be a hazard. He said that digital billboards are also safer for their employees since changes are made via computer, reducing the need for physical access and if maintenance is required, bucket trucks are used, enhancing safety for everyone involved.

With no more comments received, Mayor McEvers closed public testimony.

**DISCUSSION:** Councilmember English stated that he is not aware that billboards have variance opportunities while other signs don't. He added that it makes sense to have similar provisions for other signs. Nonetheless, he finds the proposal reasonable and the concept of public service announcements, including nonprofit and public safety messages, is a significant factor. Councilmember Gookin responded to Mr. Conway's testimony saying that Council should be pro-business and consider variances for businesses, which is the intent for the billboard companies. He pointed out that his situation is an engineering issue since the City Engineer must review signs near intersections, and there may be an opportunity for a waiver if possible. Councilmember Evans asked for clarification about undue hardship and if limited site opportunities as cited is a possible undue hardship, with Mr. Adams explaining that the Council should make those determinations on each of the findings. Councilmember Miller asked for an explanation regarding what the applicant said that the "and" that connected each subsection in the code nullified the height restrictions. Mr. Adams stated that is not correct, there are standard rules of statutory construction explained in the staff report, and Legal stands by that explanation. The provision stating the height of the existing board as the maximum applies, while the other portion of the statute only applies in the case of buildings. Councilmember Miller asked if the variance is approved would it apply to every move to request any billboard with Mr. Adams clarifying that each application to relocate would have to meet the code and if it doesn't then each would have to justify a variance from the standards of the code. Councilmember Miller noted that the applicant is claiming limited site opportunities as an undue hardship, even though these opportunities could change in the future. She added that it is up to Council to determine if this constitutes an undue hardship today. Mr. Adams replied that Council should look at the facts today. Councilmember Wood stated that it seems confusing due to two contradictory sections of the code. She said that when discussing buildings, it appears that the height restriction might not apply if the billboard needs to be above a certain building height. Additionally, the code restricts billboard movement within the city, leaving few available parcels. She stated that she finds this request reasonable due to the code's complexity and limited site availability. Councilmember Gookin stated that it would be tough to see what undue hardship is. Councilmember English inquired about the 500-foot distance and why it was not set at 300 feet with Ms. Patterson explaining that this language is standard. She explained that

when they did research on other codes, staff found that Idaho Falls had a 500-foot requirement from residential zones and 750 feet from historic properties. Pocatello required notification within 500 feet. ITD mandates 500 feet from other signs, parks, forests, playgrounds, and scenic areas. She added that our code specifies residential zones, which is less restrictive than including land use, as C-17 zoning allows various residential types. Councilmember Gabriel mentioned that he voted in favor of the variances because each situation is different, and he believes evaluating them individually is fair and appropriate.

**MOTION:** Motion by Gookin, seconded by English to approve a variance from standards for height and proximity to residential zones for a Billboard Relocation, based on the attached findings and conclusions, which are established by the undisputed evidence set forth in the staff report, during staff presentation, and the testimony of the applicant.

**DISCUSSION:** Councilmember Evans stated she appreciate the work that staff put into this, but she is not agreeable with undue hardship on findings 1 and 3. Councilmember Miller expressed that she will adhere with her original position in opposition, although she received new information and appreciated it. She mentioned that the public service announcement mentioned earlier would be for free for city information which could apply to any of their current locations. Councilmember Miller also voiced her disagreement with the variances for several reasons, particularly the nighttime issue. She expressed concern about a 300-square-foot, eight-flashing-sign setup in that location or any similar size, deeming it hazardous. Councilmember Wood mentioned hearing that the spots would be free for the city and nonprofits to disseminate public safety messages. She agreed with Councilman Gookin on the importance of supporting businesses and being business-friendly. She highlighted that the variance request is minor and reasonable and concurred with Councilman Gabriel on the need to assess each request individually.

**ROLL CALL:** Miller No; Gabriel Aye; Gookin Aye; English Aye; Wood Aye; Evans No. **Motion carried**

APPLICATION FOR THE RELOCATION AND DIGITIZATION OF A TWO-SIDED 300-SQUARE-FOOT V-BUILD BILLBOARD TO 3119 N. 2ND STREET.

**MOTION:** Motion by Gookin, seconded by Wood to approve of the application for the relocation and digitization of a two-sided 300-square-foot V-build billboard to 3119 N. 2nd Street, based on the attached findings and conclusions, which are established by the undisputed evidence set forth in the staff report, during staff presentation, and the testimony of the applicant.

**DISCUSSION:** Councilmember Evans stated that she will not be supporting the motion because she disagrees with findings number 1, 2, 3, 4, and 7.

**ROLL CALL:** Gabriel Aye; Gookin Aye; English Aye; Wood Aye; Evans No; Miller No. **Motion carried.**

Councilmember Gookin stated that he learned at a prior meeting that there are only three types of businesses in the City that need permission to relocate: massage parlors, liquor stores, and billboards. He stated that moving a massage parlor or a liquor store seemed straightforward with

the application being about two pages long; however, he believes the application to move a billboard is significantly larger and more complex. Councilmember Gookin reminded that Council should revisit this issue and suggested that the Council reexamine this ordinance to make the process less burdensome for applicants. Councilmember Wood recalled that staff was asked to rewrite the massage parlor ordinance with Mr. Adams responding that staff is working with the Police Department, Prosecutors Office, and the Federal government. Councilmember Wood stated that she agrees with Councilmember Gookin that it's time to revisit this ordinance and proposed setting a timeline to review it within the next six months and consider suggestions to make it more business friendly. Councilmember Evans asked for clarification because at the last meeting, it was discussed repealing it, and she repeatedly emphasized the need to get it right. Councilmember Wood clarified that the current request is to tweak the ordinance to make it more business friendly. Councilmember Miller requested that if the ordinance will be revisited, she would like to add an agenda item to allow Council to vote on repealing the entire ordinance. She also noted that every commercial business requires an occupancy permit regardless of the type of business, the City needs to know what you're doing there; hence it's a fine line determining who needs what kind of permit. Councilmember Gookin stated that there is a need for Council to consider the opinions of affected businesses and have some discussion.

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

The meeting adjourned at 9:42 p.m.