

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
December 17, 2013**

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, December 17, 2013, at 6:00 p.m., there being present upon roll call the following members:

Mayor Bloem

Loren Ron Edinger)	Members of Council Present
Deanna Goodlander)	
Woody McEvers)	
Dan Gookin)	
Mike Kennedy)	
Steve Adams)	

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

INVOCATION: Father Pat Bell from St. Luke's Episcopal Church provided the invocation.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Councilman Edinger.

PUBLIC COMMENTS:

Kenny Gabriel, Coeur d'Alene, stated that the Fire Department will host Santa coming to town in one of the fire trucks. The event includes a food drive. Santa Tracker 2000 is a program created in-house by city staff member Brandon Russell; this program allows citizens can track Santa's travel each evening. A schedule of each day's events can be found at www.cdafire.org. He encouraged citizens to come out and say hello to Santa.

First Street

Susan Snedaker, Coeur d'Alene, stated that she has been reviewing documents regarding First Street right-of-way. According to the original agreement with Hagadone Hospitality Frontiers, 1983, it is agreed that the city is only partially prohibiting vehicular traffic and continues to maintain all ownership and access. She referenced a map that she believes is relative to the 1996 project. Her concern is that the round parking lot appears to be on First Street public property and wonders what the people of Coeur d'Alene get in exchange for the landscaping. She believes that no charge for the use of that parking lot is indicative that it is on public property.

Four Corners

Jose Almada, Coeur d'Alene, stated that he was representing members of the Coeur d'Alene Triathlon team, as the four corners project recently came before their group for discussion. They are supportive of non-vehicular modes of travel and are supportive of safe pedestrian and bicycle facilities within Coeur d'Alene. They wanted to voice their hope that the City Council will

follow the “complete street policy” and that all users of the streets will be represented equally. Northwest Boulevard is a major thoroughfare; it currently is unsafe to the bicycling community. Cyclists need to be able to get through this roadway system as quickly and safely as a vehicle, but in its current state it cannot be done safely. If there is a redesign, they hope all users are equally represented.

Ms. Gabriel stated that there are several upcoming meetings to discuss the Four Corners project. There is an open house Monday, January 13, 2014 at 5:30 p.m. at the Coeur d'Alene Public Library Community Room. On Monday, January 27, 2014 the Parks and Recreation Commission will meet at 5:30 p.m. in the Library Community Room to discuss the Four Corners project. She invited all members of the public to attend and make their wishes known.

CONSENT CALENDAR: Motion by Kennedy, seconded by Goodlander, to approve the Consent Calendar as presented.

1. Approval of Council Minutes for December 3, 2013.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for December 23, 2013 at 12:00 noon and 4:00 p.m. respectively.
4. Setting of a Public Hearing for December 27, 2013 at noon for approval of the 2012 International Building Code with amendments, the 2012 International Existing Building Code, the 2009 Idaho State Plumbing Code, and the 2012 International Fire Code (IFC).
5. **RESOLUTION NO. 13-058** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVING S-3-12 APPROVAL AND ACCEPTANCE OF COEUR D'ALENE PLACE 21ST ADDITION IMPROVEMENTS, AND MAINTENANCE/WARRANTY AGREEMENT; APPROVAL OF DESTRUCTION OF RECORDS FROM THE FINANCE, MUNICIPAL SERVICES, AND ADMINISTRATION DEPARTMENTS; AND AUTHORIZING AN EASEMENT AGREEMENT FOR 504 E SHERMAN AVENUE PEDESTRIAN TUNNEL WITH SPOKANE TELEVISION, INC., DBA KXLY.
6. Approval of Beer/Wine License – Pal’s Gas and Grocery; Haruinder Kaur, 1501 E. Sherman Avenue (transfer) from Harry’s Food Mart.

ROLL CALL: Kennedy, Yes; Edinger, Yes; Adams, Yes; McEvers, Yes; Goodlander, Yes; Gookin, Yes. **Motion carried.**

COUNCIL ANNOUNCEMENTS:

Councilman Goodlander stated that there was a recent study conducted by PEW regarding libraries that demonstrated that libraries have earned trust and satisfaction from the public. One third of America’s public lacks home internet access and lag behind overseas counterparts in basic education skills. The study found that libraries continue innovate and meet evolving needs and that 95% of Americans agree that libraries play an important role in giving everyone a chance to succeed. The City of Coeur d’Alene Library averages 1,000 people a day and provides

classes in computer skills and aids people in finding employment through on-line services. She wished the community a Merry Christmas.

Councilman Gookin thanked retiring Deputy City Administrator Jon Ingalls for his service and stated that he will be missed.

Councilman McEvers stated that Jon should work on enjoying skiing and wished a Merry Christmas to all. He stated that a perfect present is to adopt an animal from a shelter.

Councilman Edinger stated that Jon Ingalls has been a tremendous asset to the City over the years and he is certain Jon will do a great job wherever he goes after he is done here. He wished a Merry Christmas and Happy New Year to the community.

APPOINTMENT: The Mayor requested the appointment of Michael Ward to the Planning Commission.

MOTION: Motion by Kennedy, seconded by McEvers to approve the appointment of Michael Ward to the Planning Commission. **Motion carried** with Gookin and Adams voting No.

ADMINISTRATOR'S REPORT: Ms. Gabriel stated on Saturday, December 7th, the Fire Department held its annual "Photos with Santa" event. This year there were nearly 100 families that participated in the program, and they collected 700 pounds of food for the food bank. She thanked the firefighters union, Katie Hirst, and Carrie Andrews for their support. The Fire Department will be adding to the total of food donated to the food bank when they have their annual food drive, "Santa is Coming to Town, In a Big Red Fire Truck" later this month.

The City is hosting an Open House for outgoing Councilmen Mike Kennedy and Deanna Goodlander on Thursday, December 19th, from 2:00 p.m. to 4:00 p.m., at Coeur d'Alene City Hall, in the Old Council Chambers. The public is invited to come and say farewell and thank Councilman Kennedy and Councilman Goodlander for their outstanding service to the City of Coeur d'Alene. Cake & Punch will be provided.

This week kids in Coeur d'Alene will get to see Santa in the streets of our community, and his sleigh will be a big red fire engine. Santa and members of the Coeur d'Alene Firefighters Local 710 will be around town this week collecting food and cash donations for the food bank. Please visit the Fire Department web site at <http://www.cdafire.org> for a schedule of when and where Santa will be each evening. To track Santa's specific location each night go to <http://www.cdafire.org/santa.html>. She encouraged the community to donate a can of food, let the kids say hello to Santa and the firefighters and get a candy cane or other surprises from Santa when they see flashing red lights and hear Christmas Music. Santa's journey will last from 4:30 – 8:30 each evening.

Last week City officials met with the Idaho Transportation Department (ITD) to address questions regarding the lakefront property along old Interstate 90, Lake Coeur d'Alene Drive. ITD has committed to hire a land use consultant to develop a master plan that would outline responsible parties for maintaining the corridor, which dead-ends at Higgins Point. ITD

currently holds ownership of the corridor, but is no longer interested in it because the property is no longer part of the interstate highway system, as it was abandoned when the new freeway opened in 1991. Transportation officials previously offered the City \$3 million to take over control, but after numerous discussions it was decided that the best way to proceed for all interested parties was through the development of a master plan. Once hired, the ITD consultant will meet with various stakeholders to address three major areas: Enhancing public access and recreational opportunities; addressing technical and engineering issues; and determining property ownership, including the identification of parcels that can be bought and sold. Agencies that will be involved in the planning process include the city, Kootenai County Parks and Waterways, East Side Highway District, Idaho Department of Lands, Idaho Department of Parks and Recreation, North Idaho Centennial Trail Foundation, and the 4-county Natural Resource Committee. Adjacent property owners will also be included in the planning process. Preparation of a master plan outlining a joint powers agreement will take about a year.

Specialized Needs Recreation (SNR) is holding Camp All-Stars "Winter Break" Day Camp December 23 to January at the SNR facility, 3700 North Government Way. There will be no camp December 24-25 and January 1. Camp is held from 9 a.m. to 3 p.m. daily and is filled with six hours of meaningful and memorable activities such as community outings, crafts, and games. Cost is \$15/day. There are limited scholarships available for those who qualify, provided on a first-come, first-served basis. For more information, contact Angie Goucher at 755-6781 or visit: www.snridaho.org.

Armed with input from more than 30 user groups, officials are poised to take the next step toward transforming the western gateway into Coeur d'Alene along Northwest Boulevard into a more pedestrian-friendly and aesthetically pleasing corridor. Following a series of community meetings over the past several months involving state, federal and local entities, the city's Parks and Recreation Commission will hold an open house next month to share the ideas gathered to improve the so-called Four Corners area. Though not yet clearly defined, the Four Corners area generally stretches along Northwest Boulevard from Riverstone on the north end nearly to Independence Point near downtown. After considering input from the commission, it will be up to the council to decide whether to move ahead with hiring a land use planner to develop a master plan for the corridor. Project organizers, community leaders, stakeholders, and interested neighbors have offered dozens of ideas for upgrades ranging from improved trail access, educational interpretive posts, to improving the campus around Memorial Field, and a community garden. Among other priorities listed by user groups is the development of a pedestrian/bike trail to provide a better connection with downtown and McEuen Park. Upcoming meetings include an Open House Monday, January 13, 2014 at 5:30 p.m. at the Coeur d'Alene Public Library Community Room. Information on ideas for the corridor will be presented. On Monday, January 27, 2014 the Parks and Recreation Commission will meet at 5:30 p.m. in the Library Community Room to discuss the Four Corners project. A recommendation is expected to be forwarded to the city's General Services Committee.

The Water Department has provided the following tips to avoid frozen pipes this winter. If you have a crawl space, make sure to close off the foundation vents. Insulate water pipes that are exposed to the cold air outside. Most homes have shut-off valves on their plumbing, be sure to look for and identify yours. Do not thaw frozen pipes with an open flame. If you are going to be

away for a while, open the under-sink cabinet doors to help keep pipes from freezing. If you have any questions regarding freeze-ups, call the Water Department at 769-2379.

The Ray & Joan Kroc Center is hosting a Farewell Open House for Mayor Bloem on Thursday, January 9th, from 6:00 p.m. to 8:00 p.m., in the Kroc Center Community Room. The public is invited to come meet and thank Mayor Bloem for her outstanding service to the City of Coeur d'Alene. Refreshments will be provided by the Kroc Center. A celebration for Mr. Ingalls took place this morning with staff, just as Jon wanted it. Ms. Gabriel thanked the Mayor, Deanna, and Mike and stated it was a pleasure to serve them over the years.

APPROVAL OF THE REQUEST FOR DE-ANNEXATION OF PARCEL #C00000173850 BY RBS INVESTMENTS.

Councilman Kennedy stated that this is a .132 acre parcel located off of Victoria Drive and French Gulch Road. The owners have asked for de-annexation to allow their entire property to be held within one jurisdiction rather than a portion in the County and a small portion within the City.

MOTION: Motion by Kennedy, seconded by Gookin to approve the request to de-annex Parcel #C00000173850 and direct staff to prepare an Ordinance. **Motion Carried.**

APPROVAL OF A LETTER OF INTENT BETWEEN THE COEUR D'ALENE SCHOOL DISTRICT #271 AND THE CITY OF COEUR D'ALENE TO HIRE A POLICE OFFICER AND PURCHASE A FULLY EQUIPPED POLICE VEHICLE.

Councilman Kennedy stated that the Police Department had sought a grant that was not awarded; however, the match was held out in the Police Department budget. The School District has stated that they desire an additional School Resource Officer and would contribute funding. Hiring an Officer now would allow training to take place prior to the start of the school year. Police Chief Ron Clark stated that School District approached the Police Department to determine if the City would be interested in providing another School Resource Officer, with the District providing \$75,000 in the next year's budget and \$51,000 toward the purchase of a fully equipped patrol vehicle. He reiterated that the process of hiring a Police Officer includes a 6-9 month training period. They are requesting the approval to hire that person as soon as possible to start the training process. He stated that he will use savings within this budget year. Councilman Kennedy stated that the General Services Committee requested a letter of intent or something in writing from the School District, which has been received. He stated that this is where our partnerships benefit the community.

MOTION: Motion by Kennedy, seconded by Edinger to authorize staff to move forward with the hiring of one police officer and purchase of a patrol car based on the financial commitment from the Coeur d'Alene School District and from current police budgeted funds. **Motion Carried.**

APPROVAL OF THE ANNUAL ROAD AND STREET FINANCIAL REPORT FOR YEAR ENDING SEPTEMBER 30, 2013.

Finance Director Troy Tymesen explained the purpose of the road and street report as a state requirement, which must be completed for the City to receive its annual highway user tax funds. The projects within the report include city street and sidewalk projects. Last year \$1,483,763.00 were received in these tax funds. Over the years the City has collectively spent over \$9 Million more than what the City received in funding from this state fund to improve the streets. He expressed that the City is in good shape regarding its allocations toward streets through the direction of the City Council.

MOTION: Motion by Goodlander, seconded by Kennedy to approve the Annual Road and Street Financial Report for year ending September 30, 2013. **Motion carried.**

REQUEST FOR INCREASE IN VARIOUS CITY FEES

Resolution No. 13-059

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING AND AMENDING CERTAIN CITY FEES

STAFF REPORT: Finance Director Troy Tymesen stated that there was a mistake made in the water department fees, with the repeal of various other fees. Staff is re-disclosing all water fees, although the rates have not changed. Municipal Services has fees that have not been changed in ten years. The Child Care Commission has approved the Childcare facility fee increases. Staff has been disclosing the proposed fees as citizens come in for renewals and have not received any negative feedback. The sign permit fees are increasing by 20% rather than following the building code valuation schedule, as this is more economical for the end user. He stated that there are many garbage rate changes. There is an existing contract for garbage services and there are a number of built in increases with a minimum of 1.5% and a Maximum of 2.75%. Mr. Tymesen stated that the City has not raised garbage rates in three years. There is a 15% overhead cost in this fund, which is \$3.3 Million. There is an interfund transfer that covers overhead including payroll and legal expenses in the amount of \$115,000. The citizens of Coeur d'Alene are using the recycle program and last week 102,000 pounds were recycled. However, no revenues are received from recycling as they are commodities that fluctuate.

Councilman Edinger asked if the Fighting Creek trip charge increase to \$139.50 would provide cash flow to the fund. Mr. Tymesen stated that the fund is currently \$377,000 behind. He provided a comparison of other area cities, many of which do not allow the citizen to choose the garbage cart size and charge higher fees. Some of Coeur d'Alene's citizens state that they can now switch to the smaller cart due to the amount they are recycling. Mr. Tymesen clarified that commercial rates do have additional fees. Councilman Gookin asked if the garbage contract allows the City to raise rates in the middle of the contract. Mr. Tymesen stated that the City can raise rates whenever it needs to as the contract rates are fixed, so the City rates do not affect the contract amount. Councilman Gookin clarified that each year the contract increases fees annual and the City does not. He wondered if the City could parallel the contract increases by increasing its rates annually. Mr.

Tymesen stated that he likes that suggestion and going forward an annual 1% increase would be good and it would not require a public hearing, but an annual review. Councilman Gookin asked if since there was no competitive bid in two decades, why the City couldn't go out for bids prior to the end of the contract to potentially help with the cost. Mr. Tymesen stated that he believed that it would be a violation of the existing contract and that these types of contracts need longevity in order for the company to cover cost of carts and recycling, etc. Councilman Gookin asked if the water rates the City Council adopted were the same as proposed this evening. Mr. Tymesen stated that the City "over repealed" other fees when the rates were approved, so the rates proposed tonight have not changed.

Councilman Adams asked if there was an estimated anticipated revenue amount for the garbage and Municipal Services increases. Mr. Tymesen stated that the total solid waste budget is approximately \$3.6 Million. With the new rates it would take about two and a half years to get the City to the break even mark. Councilman Adams asked what the deficit is for recycling. Mr. Tymesen stated that there is currently no income for recycling so about \$15,000 annually. Councilman Adams asked if it would be fair to say that at this time part of the fee increase would subsidize single stream recycling. Mr. Tymesen stated that recycling will never stand on its own, and will be subsidized by garbage as far in the future as he can see.

Councilman Kennedy stated the response to single stream recycling has been positively received and is a positive community value and what people want. He believes the subsidized portion means less in the landfill and less fuel used, so it is good to look at whole picture. Councilman Edinger clarified that garbage rates are going up 1.5% to 2% per year and the City should increase annually and that doing so annually would not bind another council. City Attorney Mike Gridley stated that the Council can pass things that bind future council since future councils can undo it. The problems may stem from entering into a long-term contract. Councilman McEvers stated that he remembers when people brought their old garbage cans in the Council meeting and believes that the past Council did not take an annual increase as it seemed like the right thing to do at that time, and he believes it is good to look at the increase going forward.

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

MAIN MOTION: Motion by Kennedy, seconded by Edinger to approve Resolution No. 13-059 approving various fee increases within the Finance, Water, Municipal Services and Planning Departments.

DISCUSSION: Councilman Adams stated that he wanted to separate the Municipal Services and Planning Department fees from the garbage fees and asked if Councilman Kennedy would be willing to amend his motion. Councilman Kennedy stated that he was not open to the change in his motion.

MOTION TO AMEND: Motion by Adams, seconded by Gookin to amend the motion to separate the garbage fees from the motion to allow for a separate vote.

DISCUSSION: Councilman Edinger asked Councilman Adams to clarify what part of garbage rates he was opposed to. Councilman Adams stated that he was opposed to all of it. Councilman

Goodlander asked Mr. Tymesen to clarify that the City is falling behind in the Garbage Fund. Mr. Tymesen stated that the fund is \$375,000 behind and falls further behind annually. Councilman Edinger asked staff to look at the annual increase during the budget setting.

Councilman Edinger called for the question. **Motion carried.**

Motion to Amend failed with McEvers and Adams voting yes.

ROLL CALL: McEvers Aye; Goodlander Aye, Gookin Aye; Kennedy Aye; Edinger Aye; Adams No. **Motion carried.**

PUBLIC HEARING: O-02-13 REDUCTION OF SINGLE FAMILY SPECIAL USE THRESHOLD, AMENDING MUNICIPAL CODE 17.05.090 AND 17.05.170.

Councilman Gookin asked if he would have a conflict of interest based on the fact that he lives in the Fort Grounds neighborhood. Deputy City Attorney Warren Wilson stated that this is a legislative hearing, therefore the Council is free to talk to whomever, take in all testimony, and can live within the area.

STAFF REPORT: Mr. Wilson stated that the amendment being proposed tonight contains a provision for a resident sponsor that has been a part of the original zoning code. The code allows for a resident sponsored request to amend the zoning within their neighborhood (in R-8 and R-12 zones) to allow for single family residents, with higher density requests through a special use permit. In order to meet the requirements as a resident sponsor they have to get 66% signatures of support and own 75% of the area. This is a double test and a very high burden. The Pinegrove neighborhood is the only neighborhood to have successfully completed this process. The request is to qualify as a resident sponsor as 66% of the owners; owning 66% of the land. The request is a down zone of the property, which can be done normally without seeking the signatures of your neighbors. This code would be allowable within R-8 and R-12 zones and must contain a contiguous identifiable area.

DISCUSSION: Councilman McEvers asked for clarification of the reduction of zoning. Mr. Wilson stated that the current code requires a resident sponsor to have signatures from 66% of the owners, owning 75% of the land and the amendment would reduce that to 66% and 66%, and that this does not directly impact someone's property. Councilman McEvers said it was his understanding that this would allow the group to have a special use permit on someone else's property and that does not impact the value. Mr. Wilson stated that it could; however, this code just gives the group an opportunity to go before the Planning Commission. Additionally, he clarified that downzones can be requested at any point, but this is a different method for a neighborhood to use. Councilman Edinger asked if this is being pushed by the Fort Grounds neighbors due to the Gunther development. Mr. Wilson stated that the Fort Grounds group is the applicant to bring this code amendment forward, but it is important to understand that this would be for any R-8 or R-12 zones citywide.

Councilman Goodlander asked if this would impact the college housing. Mr. Wilson stated that this would only affect residential zones, not college owned property that is zoned differently. Mr. Wilson stated that the current request by the Fort Grounds had a boundary that would exclude the college and LCDC owned property. Councilman Goodlander asked if anyone could come up with a boundary and then seek signatures from 66% of the owners within that boundary. Councilman Gookin asked if there was any information as to where the 66% came from. Mr. Wilson stated that he did not have any details regarding that and past staff members do not recall. Councilman Gookin clarified that this code would not allow for a small amount of the owners making decisions for the whole neighborhood, and felt that 66% is still a high threshold. Additionally, in the Fort Grounds there are irregularly sized lots, so the largest lots do not allow for the rest of the neighborhood to achieve the 75% threshold. He felt this change would even things out to still be a super majority. Councilman Kennedy clarified that tonight's request is for all R-8 and R-12 zones. Hereafter the Fort Grounds will need to take their request to the Planning Commission. Mr. Wilson stated that they will also be required to meet the notification requirements for a special use request.

Councilman Goodlander asked if there were any requirements as to the size that a boundary can be. Mr. Wilson stated that the code does require it to be a minimum of 1.5 acres in size and bounded by recognizable boundaries. Mayor Bloem asked if this process would allow a neighbor to form a box around a potential apartment project. Mr. Wilson stated that potentially if the neighbor and adjacent parcel is R-8 or R-12 and the boundaries make sense, they could. Councilman Kennedy asked for clarification regarding the 66%. Mr. Wilson provided the example of a 100 parcel neighborhood, which would require 66 signatures and that the square footage of the property would have to equal 66% of the boundary area, which would get them in front of the Planning Commission. Mayor Bloem asked if the Planning Commission would have a say if they agree with the boundary line. Mr. Wilson stated that they would be making determinations in regard to the boundary and the concept, etc.

PUBLIC COMMENT:

Marlo Faulkner, Coeur d'Alene, stated the City's Comprehensive Plan states that strong neighbors provide citizens a chance to take an active role and that the Fort Grounds is an example of design and citizens action, and will be impacted by future development. Further the City Comprehensive Plan states that the City will preserve the Fort Grounds as a historic area. She stated that many houses were built before 1920, left over from Fort Sherman. Many lots within the neighborhood are less than .143 acres, which means that when looking at 75%, the ten lots near the lake control more than the rest of the neighbors. In seeking the special use permit they were .04 of an acre short of the 75% with 91 signatures (which was over 75%). This is not about the specific development, but that the Fort Grounds is a unique place. Currently the neighborhood is all single family dwellings other than one development. She stated that they want protection of the neighborhood to continue its single family dwelling use. She provided a map to the City Council demonstrating pink highlighted parcels that signed the petition. She stated she did not find any other city requiring such a high threshold. Councilman McEvers asked if the "tear downs" were a problem. Ms. Faulkner stated that their desire is to preserve a single family neighborhood.

Frank Lawson, Coeur d'Alene, stated that he lives in the Fort Grounds and that fellow neighbor Tom Melbourne did research he would present tonight. He found that other zoning regulations

across the United States for this special use process did not contain any requirements where the percentage was greater than 66%, and nowhere did he find records requiring that, plus a percentage of the land. A city in Louisiana did require a % of land at 50% but no percentage of property owners. He reiterated that the neighborhood was asking for the code to be reduced to 66%, which would still be the highest threshold in the United States.

Kathleen McLandress, Coeur d'Alene, stated that the home environment section of the City Comprehensive Plan states that the old established neighborhoods have a charm that is unique and to preserve this old neighborhood atmosphere the City continues to refine standards and codes. She stated that they believe that each lot should have one vote and the 75% land requirement should be lowered. She hopes to prevent removal of historic homes and wants a single family detached home designation for the Fort Grounds. She believes that Goal 3 of the Comprehensive Plan would be met by amending this code to 66%. Councilman McEvers asked if the historic home tear down is OK even if it is within a historic neighborhood. Ms. McLandress stated that it is only problematic if changing from single family to multifamily. Councilman Adams asked if the group was accepting of the replacement of old homes with new as long as it is single family. Ms. McLandress agreed.

John Bruning, Coeur d'Alene, stated that he is a member of the Fort Grounds Homeowners Association and thanked the City Council for hearing their testimony. He reiterated the Comprehensive Plan references to the neighborhood. He stressed that in addition to its historic nature they also have some streets that are only 16' - 20' which is much narrower than current city streets and would be burdened by multifamily homes increasing traffic flows. He stated that a few years ago the Sanders Beach neighbor downzoned to R-3, and explained that option would not work for the Fort Grounds, as there are 120 lots in the neighborhood with 50 foot frontage, and the R-3 zone would cause 98 lots to be nonconforming. The only option available would be the special use permit request. Councilman Kennedy asked if, based on Mr. Bruning's experience as a Planning Commissioner, he thought that a boundary could be drawn to avoid development. Mr. Bruning stated that the request would still have to go to the Planning Commission, and then be appealable to the City Council, so it felt it would be difficult.

Mark Faulkner, Coeur d'Alene, stated that he is the Vice President of the Ford Grounds Homeowners Association. The zoning issues are not unique to the Fort Grounds. He clarified that within their neighborhood there are no consistent lot sizes, and that only two subdivisions in the City have consistent lot sizes. Many would not meet the 75% requirement or street frontage requirements. He reiterated that the neighborhood is requesting 66%, giving each property owner equal representation.

ORDINANCE NO. 3474
COUNCIL BILL NO. 13-1019

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 17.05.090 AND 17.05.170 TO REDUCE THE THRESHOLD FOR SPONSORING A SPECIAL USE PERMIT RESTRICTION TO SINGLE FAMILY USE IN THE R-8 AND R-12 ZONES FROM PEOPLE OWNING SEVENTY FIVE PERCENT OF THE AREA TO PEOPLE OWNING SIXTY SIX PERCENT OF THE AREA; PROVIDING REPEAL OF CONFLICTING ORDINANCES;

PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

MOTION: Motion by Kennedy, seconded by Edinger to pass the first reading of Council Bill No. 13-1019

DISCUSSION: Councilman Kennedy stated he made the motion because he has advocated that there should not be a minority majority ruling, as in this case one property owner that is larger than the majority could rule against the majority in the neighborhood. He felt that this was a fairness issue and the right thing to do. Councilman Goodlander asked if this would impact the “in process” projects. Mr. Wilson stated that if a building permit has been issued they would continue their project, as the code in effect at the time of their submittal is what takes precedent. Councilman McEvers asked how neighbors would be informed of this type of request. Mr. Wilson stated that this would be the most publicized thing a neighborhood could do as they will need to collect the signatures before they even get before the Planning Commission, and then the special use permit designation on the property and public notices take place. Councilman Gookin clarified that the item being decided tonight is that the owner signature requirement is 66% and that the area requirement would be 66% instead of 75% and that this is a code change, not specific to a project.

ROLL CALL: Goodlander Aye; Gookin Aye; Kennedy Aye; Edinger Aye; Adams Aye; McEvers Aye. **Motion carried.**

MOTION: Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 13-1019 by its having had one reading by title only.

ROLL CALL: Goodlander Aye; Gookin Aye; Kennedy Aye; Edinger Aye; Adams Aye; McEvers Aye. **Motion carried.**

RECESS: Motion by Kennedy, seconded by McEvers to recess to December 27, 2013 at 12:00 Noon in the Library Community Room for a Public Hearing regarding the adoption of 2012 International Building Code with amendments, the 2012 International Existing Building Code, the 2009 Idaho State Plumbing Code, and the 2012 International Fire Code (IFC). **Motion carried.**

The meeting recessed at 8:15 p.m.

Sandi Bloem, Mayor

ATTEST:

Renata McLeod, City Clerk