

MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL,  
JANUARY 17, 2006

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 Hall, January 17, 2006 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor  
Al Hassell, Councilman  
Woody McEvers, Councilman  
Deanna Goodlander, Councilman  
Dixie Reid, Councilman  
Mike Kennedy, Councilman  
Loren Edinger, Councilman

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

**PLEDGE OF ALLEGIANCE:** Councilman Reid led the pledge of allegiance.

**PRESENTATIONS:**

**DISABILITY RIGHTS ADVOCATE AWARDS:** Amy Dreps, representing the Disability Action Center, presented their annual awards to those citizens that have volunteered their time to promoting the rights of the disabled.

**PROCLAMATION – DOMESTIC VIOLENCE PREVENTION MONTH:**

Councilman Goodlander read the Mayor's proclamation declaring February as "Domestic Violence Prevention Month".

**OUTSTANDING CITIZENS AWARDS:** Police Chief Carpenter presented Outstanding Citizens awards to Randall Naccarrato, John Krugle and Troy England for their role in apprehending an individual who was in the process of robbing a local coffee stand. Jan Carr, mother of the espresso stand clerk expressed her appreciation for helping their daughter by aborting this robbery. Sarah, part owner of the Lean Bean, expressed her appreciation for their work and invited them to stop by for a free drink for the next year.

**PUBLIC COMMENTS:**

**CENTENNIAL TRAIL:** Chris Copstead, representing the Centennial Trail Foundation, reported that he had received complaints from trail users that a portion of the Centennial Trail had been removed through a portion of the Mill River development. He noted that although the trail has been repaired, the patched portion still poses a hazard to trail users. He asked who had authorized this demolition and why doesn't the City create a policy similar to roadways that there would not be any cuts into newly constructed trails. He

also commented that his Foundation had not been notified of this removal in addition there were no warnings signs or barricades for trail users to know that a portion of the trail had been removed. Councilman Reid noted that his questions were the same ones that the Council had and expressed her thanks to the Street Department and Engineering for repairing the portions that had been removed. Mr. Copstead responded that although it has been patched it is only adequate until this summer when it should be properly repaired.

MOTION: Motion by Goodlander, seconded by Reid to direct staff to prepare a report for the General Services Committee that provides for the protection of trails similar to regulations currently in place for newly constructed streets. Motion carried

**BUILDING CONTRACTOR REGISTRATION REQUIREMENT:** Art Elliot, 313 S. Briggs Road, reported that effective January 1<sup>st</sup>, state law requires a certificate of registration prior to issuing a building permit. He feels that if the City does not enforce this law and issues a building permit, the owners may believe that their lien is secure. He strongly urged the Council enforce this law immediately and not wait until March 1<sup>st</sup>. He noted that the turn-around time for receiving a contractor registration is three (3) weeks. Motion by Edinger, seconded by Reid to bring this item forward off the agenda. Motion carried. Councilman Reid noted that the law went into effect January 1<sup>st</sup> and the deadline for submitting applications was December 31<sup>st</sup>. Mr. Elliot noted that there is no deadline for submitting applications; however it is now against the law to do construction without registering. Councilman Edinger asked if there was any publicity about registering. Mr. Elliot noted that there were radio announcements, press releases and notices sent out to all Idaho Building Contractor Association members. Mr. Elliot noted that all contractors are listed online and anyone who is building can go to the internet and make sure their contractor is registered by going to [www.Ibca.org](http://www.Ibca.org).

ORDINANCE NO. 3244  
COUNCIL BILL NO. 06-1001

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 15.08.020 TO REQUIRE PRESENTMENT OF AN IDAHO CONTRACTORS REGISTRATION NUMBER OR PROOF OF EXEMPTION FROM THE REGISTRATION REQUIREMENT PRIOR TO ISSUANCE OF A BUILDING PERMIT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND THE ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Goodlander, seconded by Hassell to pass the first reading of Council Bill No. 06-1001.

**DISCUSSION:** Councilman Goodlander believes that this Ordinance should not go into effect until April 1<sup>st</sup> since the Building Department has experienced several contractors not being aware of this new law and that time would provide staff an opportunity to educate those individuals who want a building permit. Councilman Edinger believes that the State has provided ample notice and there has been a notice posted on the Building Department door since December of this new requirement. Mr. Elliott noted that if the Council postpones until April 1<sup>st</sup>, the City is in violation of state law and the City should highlight the effects of obtaining a permit without a contractor's registration and that their lien rights are waived. Mike Gridley, City Attorney, responded that the law only requires that the City ask if they have a registration and staff could note on the building permit there was "no registration provided". He is not concerned about the City's liability since we are notifying the owner that no registration was provided. Councilman McEvers believes that we need to support State law. Councilman Reid agreed with Councilman McEvers and Edinger that we need to enforce it immediately and believes that the Council should adopt this ordinance to become effective upon publication.

**MOTION TO AMEND:** Motion by Reid, seconded by Edinger to amend the motion to change the date of publication to two weeks from tonight.

**DISCUSSION:** Councilman Hassell noted that it takes more than two weeks to obtain the necessary liability and workmen's compensation insurance. Councilman Goodlander would be willing to change the effective date to March 1<sup>st</sup>. Councilman McEvers noted that if he doesn't get his liquor license, then he doesn't sell liquor, this should apply to building contractors and their registration requirement as well. He believes that we should be treating the contractors as we would anyone who is required to have a license to operate their business. Councilman Edinger believes that the contractors have had ample time to get their registration. Councilman Kennedy believes that this law protects not just the contractor but also the consumer and agrees with the amendment to the motion. Mr. Elliot noted that no matter what the Council does building contractors are in violation of State law effective January 1, 2006.

**ROLL CALL TO AMEND MAIN MOTION:** Reid, Aye; Edinger, Aye; Hassell, No; Goodlander, No; Kennedy, Aye; McEvers, Aye. Motion to amend carried.

**ROLL CALL ON AMENDED MOTION:** Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye. Motion carried.

Motion by Reid, seconded by Edinger to suspend the rules and to adopt Council Bill No. 06-1001 by its having had one reading by title only.

**ROLL CALL:** Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye. Motion carried.

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

1. Approval of minutes for January 3, 2006.
2. Setting of the Public Works Committee and General Services Committee meetings for January 23<sup>rd</sup> at 4:00 p.m.
3. RESOLUTION NO. 06-003A 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 APPROVAL OF AN ENCROACHMENT PERMIT WITH THE OWNER OF CASA SAVIE; DECLARATION OF ZERO VALUE SURPLUS PROPERTY FROM INFORMATION TECHNOLOGY; APPROVAL OF THE DESTRUCTION OF RECORDS FROM THE LEGAL DEPARTMENT; APPROVAL OF AN ADDENDUM TO THE PROFESSIONAL SERVICES AGREEMENT WITH ACCESSIBILITY DEVELOPMENT ASSOCIATES, INC. AND APPROVAL OF S-05-04 ACCEPTANCE OF IMPROVEMENT AND MAINTENANCE/WARRANTY AGREEMENT FOR MILL RIVER 2<sup>ND</sup> AND 3<sup>RD</sup> ADDITIONS.
4. Extension of the deadline for adopting the annexation agreement with Marina Yacht Club.
5. Approval of the mission statement for the Animal Control Ad Hoc Committee.
6. Approval of bills as submitted and on file in the City Clerk's Office.
7. Setting of Public Hearing for O-1-06 – Amending lot frontage in cul-de-sacs and knuckles for February 21, 2006.
8. Approval of cemetery lot repurchase from John Peck.

ROLL CALL: Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye. Motion carried.

**PUBLIC ART WORKSHOP:** Steve Anthony announced that the Arts Commission will be holding a Public Art Master Plan Workshop on January 23<sup>rd</sup> from 5:30 – 7:30 p.m. at Lake City High School. The workshop is an opportunity for residents to express their ideas on what is public art, where it should be placed and what themes are most important for our City.

**ANIMAL CONTROL AD HOC COMMITTEE:** Councilman McEvers noted that the Council had just approved the Mission Statement for the Animal Control Ad Hoc Committee, which is: “To find solutions for animal-related issues that will be long term and beneficial for the public and for animals”.

**NLC ANNUAL CONFERENCE:** Councilman Reid encouraged any member of the City Council to attend this annual conference and explained the benefits for attending.

**APPOINTMENTS – URBAN FORESTRY COMMITTEE AND SIGN BOARD:** Motion by Edinger, seconded by Reid to appoint Anneke Connaway and Bob Hallock to

the Urban Forestry Committee and Jeff Connaway to the Sign board. Motion carried.

RESOLUTION NO. 06-004

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A MEMORANDUM OF UNDERSTANDING, WITH KOOTENAI COUNTY FOR THE MAINTENANCE OF THE THIRD STREET BREAKWATER AND MARINE PUMP-OUT STATION.

Motion by Reid, seconded by Goodlander to adopt Resolution 06-004.

DISCUSSION: Doug Eastwood noted that the City maintains the pump out station and the County pays the electricity. Councilman Hassell suggested putting better signage on the pump out station. Mr. Eastwood added that currently the County is looking at a grant for maintaining the breakwater.

ROLL CALL: Goodlander, Aye; McEvers, Aye; Hassell, Aye; Kennedy, Aye; Reid, Aye; Edinger, Aye. Motion carried.

**PARKS AND RECREATION MASTER PLAN RFP:** Motion by Hassell, seconded by Edinger to approve the Parks and Recreation Master Plan RFP and authorize staff to advertise. Motion carried.

RESOLUTION NO. 06-005

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING OPERATIONAL POLICIES AND PROCEDURES FOR THE CDATV GOVERNMENT / PUBLIC EDUCATION CHANNEL.

Motion by Goodlander, seconded by Edinger to adopt Resolution 06-005 and to direct staff to prepare an ordinance creating a standing CDATV Committee.

ROLL CALL: Reid, Aye; Hassell, Aye; McEvers, Aye; Goodlander, Aye; Kennedy, Aye; Edinger, Aye. Motion carried.

**REDUCING THE NUMBER OF PLANNING COMMISSION MEMBERS:** Motion by Goodlander, seconded by Reid to approve the recommendation of the Planning Commission and to reduce the number of members of the Planning Commission from nine (9) to seven (7).

DISCUSSION: Councilman Hassell expressed his concern that by reducing the number to seven that it is possible that a quorum of four could be comprised of 3 members that are nonresidents of the City. Councilman Reid noted that the Planning Commission has been running with seven members for over six months and believe that the City has time

to address this issue. Councilman Edinger noted that those nonresident members do have businesses in the City and do not see this as an issue.

Motion carried with Hassell voting no.

**SPECIAL USE PERMITS FOR HOME OCCUPATIONS:** Motion by Goodlander, seconded by Edinger to deny the recommendation of the Planning Commission requiring a Special Use Permit for Home Occupations.

**DISCUSSION:** Councilman Reid noted that the current regulations are adequate for home occupations and believes that the current system is working and protects the neighborhoods. Councilman Hassell also noted that currently there are only 1-2 complaints a year that relate to home occupations. Planning Commission Chairman John Bruning explained that there were a couple of home occupations that were onerous to the neighborhoods and would like to see some mechanism of notifying the neighborhoods of any new home occupations. Councilman Reid does not believe that the City should be involved to that extent. Councilman Goodlander agreed with Councilman Reid that the City does not want to be heavy handed with home occupations. Councilman Hassell suggested doing a business registration of all businesses in the City as a means of notifying the public of any business in Coeur d'Alene. Councilman Goodlander believes that what we have in place works. Councilman Edinger also believes that if there is a problem with a home occupation, then Code Enforcement would intervene. Councilman Kennedy believes that people who work out of their homes are beneficial to neighborhoods.

Motion carried with McEvers voting no.

**KOOTENAI COUNTY FAIRGROUNDS UTILITY EXPANSION REQUEST:** Motion by Goodlander, seconded by Edinger to accept the proposal from the Kootenai County Commissioners and the Kootenai County Fairgrounds Board for extending the City sewer service to the Kootenai County Fairgrounds and to direct staff to prepare the necessary document to effect such transaction. Motion carried.

#### RESOLUTION NO. 06-006

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR WASTEWATER TREATMENT FACILITY PLANNING AMENDMENT, WITH HDR ENGINEERING, INC. ITS PRINCIPAL PLACE OF BUSINESS AT 412 E. PARKCENTER BLVD., SUITE 100, BOISE, IDAHO 83706.

Motion by Reid, seconded by McEvers to adopt Resolution 06-006.

ROLL CALL: Goodlander, Aye; McEvers, Aye; Hassell, Aye; Kennedy, Aye; Reid, Aye; Edinger, Aye. Motion carried.

RESOLUTION NO. 06-007

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ANNEXATION AGREEMENT WITH WILLIAM D. CRAWFORD AND ACCEPTING THE DEDICATION OF RIGHT OF WAY.

Motion by Edinger, seconded by Goodlander to adopt Resolution 06-007.

ROLL CALL: McEvers, Aye; Hassell, Aye; Edinger, Aye; Reid, Aye; Kennedy, Aye; Goodlander, Aye. Motion carried.

ORDINANCE NO. 3243  
COUNCIL BILL NO. 05-1039

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF SECTION 1, TOWNSHIP 50, NORTH, RANGE 4W, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; CHANGING THE ZONING MAPS OF THE CITY OF COEUR D'ALENE; AMENDING SECTION 1.16.120, COEUR D'ALENE MUNICIPAL CODE, BY DECLARING SUCH PROPERTY TO BE A PART OF PRECINCT #46; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Hassell, seconded by Reid to pass the first reading of Council Bill No. 05-1039.

ROLL CALL: Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Reid, Aye. Motion carried.

Motion by Reid, seconded by McEvers to suspend the rules and to adopt Council Bill No. 05-1039 by its having had one reading by title only.

ROLL CALL: Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Reid, Aye. Motion carried.

RESOLUTION NO. 06-008

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING THE CITY OF COEUR D'ALENE PERSONNEL RULES MANUAL BY AMENDING RULE I, GENERAL PROVISIONS, SECTION 2, ENTITLED "PERSONNEL OFFICER," TO CLARIFY THAT THE PERSONNEL OFFICER SHALL BE THE DEPUTY CITY ADMINISTRATOR; SECTION 11, ENTITLED "EMPLOYEE STANDARDS OF CONDUCT" TO CLARIFY WORDING AND ADD THE STANDARD AGAINST FAVORITISM AND FAILURE TO DISCLOSE A CONFLICT OF INTEREST, AND CLARIFY DISCIPLINARY ACTION AND GRIEVANCE PROCEDURE FOR THIS SECTION; AMEND RULE VI, "APPLICATIONS AND APPLICANTS" SECTION 1, ENTITLED "ANNOUNCEMENT," SECTION 2 ENTITLED "APPLICATION FORMS," AND SECTION 3 ENTITLED "DISQUALIFICATIONS IN GENERAL" TO CLARIFY THAT THE HUMAN RESOURCE DIRECTOR MANAGES THE APPLICATION PROCESSES AND TO CLARIFY THE QUALIFICATION CATEGORIES AND TO CLARIFY PROCESS FOR MANAGING A CONFLICT OF INTEREST OCCURRING AFTER EMPLOYMENT WITH THE CITY; TO REPEAL SECTION 4, ENTITLED "NEPOTISM PROHIBITED;" AMENDING RULE XV ENTITLED "GRIEVANCE PROCEDURES," SECTION 3 ENTITLED "INFORMAL GRIEVANCE PROCEDURE" AND SECTION 4 ENTITLED "FORMAL GRIEVANCE PROCEDURE" TO CLARIFY LANGUAGE.

Motion by Hassell, seconded by McEvers to adopt Resolution 06-008 including the recommended changes made by staff.

DISCUSSION: Renata McLeod, Project Coordinator, noted a minor amendment to the resolution.

ROLL CALL: Hassell, Aye; Kennedy, Aye; McEvers, Aye; Goodlander, Aye; Edinger, Aye; Reid, Aye. Motion carried.

**EXECUTIVE SESSION:** Motion by Reid, seconded by McEvers to enter into Executive Session as provided by Idaho Code 67-2345 SUBSECTION F: To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

ROLL CALL: Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye. Motion carried.

The session began at 7:50 p.m. Members present were the Mayor, City Council, City Administrator, Deputy City Administrator and City Attorney.

Matters discussed were those of litigation. No action was taken and the Council returned to regular session at 8:15 p.m.

**BENWAY CASE:** Motion by Edinger, seconded by Goodlander to approve the

settlement in the Benway case. Motion carried.

**ADJOURNMENT:** Motion by Edinger, seconded by Hassell that this meeting be recessed to January 24<sup>th</sup> at 12:00 noon in the Council Chambers. Motion carried.

The meeting recessed at 8:19 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, CMC  
City Clerk