

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL  
FEBRUARY 6, 2007**

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 February 6, 2007 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Mike Kennedy ) Members of Council Present  
Woody McEvers )  
A. J. Al Hassell, III )  
Dixie Reid )  
Loren Ron Edinger )

Deanna Goodlander ) Members of Council Absent

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

**INVOCATION** was led by Pastor Phil Muthersbaugh, Life Source Community Church.

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

**PRESENTATIONS - PROCLAMATION - "ART ON THE EDGE MARTIGRAS DAY:** Mayor Bloem proclaimed February 17, 2007 as Art on the Edge mARTi gras Day in the City of Coeur d'Alene. Kathy Beechler, Alli Shute and Kendall Lewis accepted the proclamation on behalf of the Children's Village.

**PUBLIC COMMENTS:**

NEW EMPLOYEE INTRODUCTION: Doug Eastwood introduced the newest Parks Dept. employee, Jannette Hoffert, who moved here from Nevada.

KATHLEEN AVENUE SPEED ZONE: Joe Parker 4437 Sulu St., asked if he was the only resident that has an issue regarding the signage along Kathleen Avenue. Councilman Reid responded that so far, he is the only resident that has brought a complaint regarding the signage; however, she noted that City Engineer, Gordon Dobler, is reviewing possible signage with the City's Legal Department looking for alternative signage in response to his complaint. She noted that Mr. Dobler will be presenting his findings on signage to the Public Works Committee meeting on March 26, 2007 and invited Mr. Parker to attend the meeting.

CITY VIDEO: Richard Rosenova, owner of Wild Idaho Chocolate Co. at 2415 N. Gov't Way, #5, suggested that the City develop a video of the history and development of Coeur d'Alene and surrounding areas.

PUBLIC SWIMMING AREA REGULATIONS: Charles Dalvini, 822 N. 5<sup>th</sup> Street, is a kayaker and is concerned that the proposed Council Bill makes it illegal for anyone to launch a kayak or other non-motorized vehicle at Sanders Beach or any other City beach property. He believes that this is a little extreme and does not believe that it is the intent of the Bill to prevent kayaks from being launched at beaches. He requested that the Council review the proposed regulations and especially the definition of vessels.

Motion by Reid, seconded by Edinger to bring Council Bill No. 07-1005 forward at this time. Motion carried.

City Attorney Mike Gridley noted that the Legal Department is going through the process of reviewing the Municipal Codes. As a result the proposed Municipal Code amendments were prepared in order to amend deficiencies, inconsistencies and conflicts with the current Idaho Code.

Councilman Hassell commented that he believes that it is the speed and power of the vessel that poses a problem.

Chic Burge, noted that his mailing address is 515 Sherman Avenue as he lives on an island on the river and does not have a home address. He commented that he is a kayaker and organizer of such events as the Coeur d'Alene Triathlon. He believes that it would be unwise to eliminate these types of activities from the Sanders Beach area and the regulations should be limited to motorized boats and sailboats.

Richard Rosanova, 2415 N. Gov't Way, also added that the Council should add the restriction of models that are gasoline or electric powered as they can go 60-80 mph.

Chip Dalvini noted that rowing sculls are usually not on Lake Coeur d'Alene, so a qualifier in the definition of vessels could be the length of the vessel.

Gerry Frank 1415 E. Lakeshore, noted that last weekend there were kayakers at Sanders Beach and there are even canoes which has been a historic use of Sanders Beach and believes that users other than swimmers should be allowed to enjoy the beach.

Virginia Tollenaere, 1410 E. Ash, would be sad if the opportunity would be taken away from her to take her kayak to Sanders Beach.

**MOTION:** Motion by Edinger, seconded by Kennedy to return Council Bill No. 07-1005 back to staff to amend the definition of vessels, taking into consideration of the public's comments.

**DISCUSSION:** Councilman Kennedy suggested that staff provide a clearer definition such as human powered vehicles be allowed that are less than 20 feet. Councilman McEvers noted that NIC has sailboats and sail boards which have never been a problem and does not really believe that a code should be created that would eliminate activities that have traditionally been done. Councilman Edinger noted that the proposed

regulations deal with all other City Beaches. City Attorney noted that the intent was to put all regulations regarding beaches and swimming areas into one section and the ultimate goal of the regulations was to make it safer for swimmers. He also noted that the regulations would also include the Mill River beach.

Motion carried.

Councilman Reid complimented the residents who came forward with their concerns on these proposed regulations and expressed her appreciation for their efforts.

Jerry Frank, 1415 E. Lakeshore, stated that this information was not made available to the public until 2:30 p.m. this afternoon. He also countered Mr. Gridley's comments regarding trying to make this just a swimming area as this is not what Sanders Beach has been traditionally been used for.

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

1. Approval of minutes for January 16, 23, 2007.
2. Setting the Public Works Committee and General Services Committee meetings for February 12, 2007 at 4:00 p.m.
3. RESOLUTION 07-008: 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 APPROVAL OF THE IDAHO OFFICE OF TRAFFIC AND HIGHWAY SAFETY GRANT AGREEMENT FOR THE POLICE DEPARTMENT C.A.R.E. TEAM; APPROVAL OF CHANGE ORDER NO. 7 WITH CONTRACTORS NORTHWEST, INC FOR THE WWTP PHASE 4B PROJECT; APPROVAL OF AN AGREEMENT WITH THE INSTITUTE FOR ADVANCED DEVELOPMENT FOR TRAINING ENTITLED "TEAM EFFECTIVENESS & PARTNERING STRATEGIES"; APPROVAL OF S-11-06 ICE PLANT SUBDIVISION FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT & AUTHORIZING THE DESTRUCTION OF RECORDS AS REQUESTED BY THE POLICE DEPARTMENT
4. Setting of public hearing for vacation of existing emergency access easement in Graystone Subdivision for March 6, 2007.
5. Authorizing staff to advertise for bids for the Ramsey Road Reconstruction project.
6. Acceptance of right-of-way on Marie Avenue for Fall Creek Apartments, LLC.
7. Approval of beer/wine license transfer from DJ's All America to Harry's Food market at 1505 E. Sherman.
8. Cemetery lot repurchases from William Chiappi and from Terry Schneider for Maxine Negrone.

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

**COUNCIL ANNOUNCEMENTS:**

COUNCILMAN MC EVERS asked the members of Boy Scout Troop 201 to introduce themselves and explain why they were at the Council meeting. Eric Woodward replied that they were here to earn their community service badge. Nathan Clemans, in response to Councilman McEvers question of what is the best part of being a Boy Scout, noted it is becoming active and involved in the community.

COUNCILMAN KENNEDY welcomed his one-week-old son John Patrick Kennedy to his family and the community. He also noted that he had been approached in the last couple of weeks regarding extreme winter weather and homeless folks. He had been informed that other cities have ordinances regarding shelters for the homeless in extreme winter weather conditions. He requested that the City begin the process of looking further into this issue. Councilman Edinger believes that it is a very good idea and it should go to the Public Works Committee after the Engineering Dept. looks at this issue. MOTION: Motion by Kennedy seconded by Edinger to move this forward through the Public Works Committee. Motion carried.

COUNCILMAN EDINGER read a letter thanking the Streets Department for all their great work during the winter months, especially the use of the snowgates as created by the Street Maintenance Department. The Leaf Pickup program was also commended. Councilman Edinger noted that the letter was from Dusty and Aubrey Rhoads, 1710 E. Hasting Avenue.

COUNCILMAN REID thanked the Fire Department for their invitation to the annual Firefighter awards banquet. She complimented the department on their new uniforms and expressed her appreciation for the events of the evening.

**COMMITTEE APPOINTMENTS:** Motion by Kennedy, seconded by Hassell to appoint the following: Deanna Goodlander to LCDC; Eric Childress to the Sign Board; Betty Nelson, David Wagner and Aaron Robb to the Noise Abatement Board and Dave Patzer, Jim Lien and Mike McDowell to the Parks and Recreation Commission. Motion carried.

ORDINANCE NO.3282  
COUNCIL BILL NO. 07-1004

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING TITLE 10 'VEHICLES AND TRAFFIC' BY ADDING A NEW SECTION 10.02 TO PROVIDE FINDINGS, INTENT AND DEFINITIONS FOR TITLE 10; REPEALING SECTIONS 10.04.010 AND 10.04.020 AND ADDING NEW SECTIONS 10.04.010 AND 10.04.020 TO PROVIDE PLACEMENT AND MAINTENANCE OF TRAFFIC CONTROL DEVICES AND OBEDIENCE OF TRAFFIC CONTROL DEVICES REQUIRED; AMENDING SECTION 10.20.010 PROVIDING THE NEW TITLE OF STOPPING, STANDING OR PARKING, TO PROHIBIT STOPPING, STANDING OR PARKING IN DESIGNATED AREAS,

PROVIDING FOR PLACEMENT OF TRAFFIC CONTROL DEVICES AND ADOPTION OF AREAS PROHIBITING STOPPING, STANDING OR PARKING BY RESOLUTION; REPEALING SECTION 10.20.040 REGARDING THE LENGTH OF TIME PARKING IS ALLOWED; AMENDING SECTION 10.20.060 PROVIDING THE NEW TITLE OF MANNER OF PARKING, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE A NEW SUBSECTION "D" PRESCRIBING THE MANNER IN WHICH VEHICLES SHALL PARK; AMENDING SECTION 10.20.070 TO DELETE SPECIAL PERMITS FOR DELIVERIES AND PICK UPS; AMENDING SECTION 10.20.080 TO DELETE REFERENCE TO A SPECIAL PERMIT FOR PARKING IN ALLEYS AND LOADING ZONES; REPEALING SECTION 10.20.090 DEALING WITH TRUCKS PARKING IN FIRE DISTRICTS; AMENDING SECTION 10.20.100 TO PROVIDE FOR HANDICAPPED PARKING IN THE DOWNTOWN AREA; AMENDING CHAPTER 10.24 PROVIDING THE NEW TITLE OF LIMITED TIME PARKING SPACES; AMENDING SECTION 10.24.010 PROVIDING THE NEW TITLE OF AUTHORITY TO DESIGNATE LIMITED TIME SPACES AND ZONES, AND TO PROVIDE FOR THE AUTHORITY TO DESIGNATE LIMITED TIME SPACES AND ZONES BY RESOLUTION; AMENDING SECTION 10.24.020 PROVIDING THE NEW TITLE OF LIMITED TIME PARKING SPACES AND ZONES, AND TO PROVIDE FOR ADDITIONAL LIMITED TIME PARKING SPACES AND ZONES BY RESOLUTION; REPEALING SECTION 10.24.030 ENTITLED UNLAWFUL ACTS DESIGNATED; ADDING A NEW SECTION 10.24.030 PROVIDING THE NEW TITLE OF ADDITIONAL PARKING RESTRICTIONS, TO PROVIDE FOR TWO HOUR PARKING SPACES AND PARKING SPACES WITHOUT THE TWO HOUR TIME LIMIT; REPEALING SECTION 10.24.050 DEALING WITH USE OF FUNDS; AMENDING SECTION 10.26.65 TO MAKE HOUSEKEEPING CORRECTIONS AND TO DELETE REFERENCE TO THE PENALTY; AMENDING SECTIONS 10.26.100 AND 10.26.110 PROVIDING THE NEW TITLE OF MCEUEN FIELD PUBLIC PARKING LOT, AND TO DELETE REFERENCE TO THE PENALTY; AMENDING SECTION 10.27.040 TO AMEND REFERENCE TO THE PENALTY; AMENDING SECTION 10.28.010 TO CLARIFY THE AUTHORITY OF THE POLICE DEPARTMENT, TO ESTABLISH AND PROVIDE FOR TOW AWAY ZONES, AND TO AUTHORIZE ADDITIONAL ZONES TO BE ESTABLISHED BY RESOLUTION; ADDING A NEW SECTION 10.28.030 TO PROVIDE FOR HEARING ON IMPOUNDMENT; AMENDING SECTION 10.36.010 TO MAKE HOUSEKEEPING CORRECTIONS AND TO PROVIDE PARKING RESTRICTIONS FOR VEHICLES IN EXCESS OF 26,000 POUNDS GROSS WEIGHT; AMENDING SECTION 10.40.010 TO PROHIBIT THE OPERATION OF MOTOR VEHICLES ON AREAS DESIGNATED FOR PEDESTRIAN AND NON-MOTORIZED VEHICLES; 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 AN EFFECTIVE DATE HEREOF.

Motion by Hassell, seconded by Edinger to pass the first reading of Council Bill No. 07-1004.

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

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 07-1004 by its having had one reading by title only.

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

ORDINANCE NO. 3283  
COUNCIL BILL NO. 07-1001

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 2.82.010 TO INCREASE THE PEDESTRIAN AND BICYCLE ADVISORY COMMITTEE MEMBER POSITIONS FROM 10 MEMBERS TO 15 MEMBERS; 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 AN EFFECTIVE DATE HEREOF.

Motion by Hassell, seconded by Kennedy to pass the first reading of Council Bill No. 07-1001.

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

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 07-1001 by its having had one reading by title only.

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

RESOLUTION 07-009

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ADOPTING STANDARD DRAWINGS FOR MULTI-USE PATHS.

Motion by Reid, seconded by Kennedy to adopt Resolution 07-009.

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

**FINDINGS AND ORDER FOR ZC-6-06/PUD-3-06/S-9-06/SP-11-05 MEADOW RANCH SUBDIVISION:** Motion by Reid, seconded by McEvers to adopt the Findings and Order for Meadow Ranch Subdivision, zone change, Planned Unit Development, Short Plat and Special Use Permit as presented. ROLL CALL: Hassell, No; Kennedy, Aye; McEvers, Aye; Reid, Aye; Edinger, No. Motion carried.

**PUBLIC HEARING - LAND TRADE AT WINTON PARK:** Mayor Bloem read the rules of order for this public hearing. Parks Director, Doug Eastwood, gave the staff report.

Mr. Eastwood reported that Winton Park was jointly constructed by School District 271 and the City of Coeur d'Alene. Both parties acquired parcels of land comprised of the 6 acres that make up Winton Park. Mr. Eastwood noted that School District 271 is in favor of the proposed property exchange.

The park was constructed using Water and Land Conservation Funds with grants, one being awarded in 1981 and another in 1984. Mr. Eastwood noted that any change in use of the property to anything other than outdoor recreation will result in a conversion and the sponsor will have to mitigate the conversion.

The proposed land exchange includes two parcels of property approximately 1,900 square feet in size with the exchange property being contiguous to Winton Park. Mr. Eastwood noted that the land currently within the LWCF boundaries is at the base of a hill on the west side of the park and the land being proposed for trade is on the south side of the park and is on ground that is higher in elevation.

Councilman Reid asked if there will be a fence separating the parking lot and the park.

**PUBLIC COMMENTS:** John Buetler, 1836 Northwest Boulevard, responded to Councilman Reid's inquiry by noting that the hillside is very abrupt at that location and fencing would not be necessary.

**MOTION:** Motion by Edinger, seconded by Kennedy to approve the exchange of a portion of Winton Park property for a similar sized parcel of property located adjacent to Winton Park.

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

**EXECUTIVE SESSION:** Motion by Reid, seconded by McEvers to enter into Executive Session as provided by Idaho Code 67-2345 SUBSECTION B: To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent; SUBSECTION C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property, which is not owned by a public agency; and 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:** Kennedy, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye; Hassell, Aye. Motion carried.

The Council entered into Executive Session at 7:06 p.m. Those present were the Mayor, City Council, City Administrator, and City Attorney. Matters discussed were those of labor negotiations, personnel, property acquisition and litigation.

No action was taken and the Council returned to regular session at 8:30 p.m.

**POLICE CHIEF RECRUITMENT:** Motion by Edinger, seconded by McEvers to approve a full and open recruitment for the Police Chief position. Motion carried.

**SANDERS BEACH LAWSUIT:** Motion by Edinger, seconded by Hassell to deny an offer of settlement in the Sanders Beach lawsuit. Motion carried.

**CLARK TORT CLAIM:** Motion by Hassell, seconded by McEvers to take no action on the Clark Tort claim. Motion carried.

**ADJOURNMENT:** Motion by Kennedy, seconded by Reid that this meeting be recessed to February 16, 2007 at 7:00 a.m. for a Joint meeting with the Kootenai County Commissioners. Motion carried.

The meeting recessed at 8:23 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, CMC  
City Clerk