

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
April 3, 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 April 3, 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, LifeSource Community Church.

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

PROCLAMATION – VOLUNTEER MONTH: On behalf of Mayor Bloem, Councilman McEvers read the proclamation proclaiming April as National Volunteer Month. Jackie Bell, Director of Volunteers Programs from the Kootenai Humane Society accepted the proclamation.

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

CONSENT CALENDAR: Motion by Reid, seconded by Kennedy to approve the Consent Calendar as presented. Councilman Hassell noted that his son works for JUB.

1. Approval of minutes for March 20, 2007.
2. Setting the Public Works Committee and General Services Committee meetings for April 9, 2007 at 4:00 p.m.
3. RESOLUTION 07-028: 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 AWARD OF BID AND APPROVAL OF A CONTRACT WITH UNITED PUMP AND DRILLING FOR THE 4TH STREET WELL REHABILITATION PROJECT. APPROVAL OF A PROFESSIONAL

- SERVICES AGREEMENT WITH JUB ENGINEERS, INC. FOR CONSTRUCTION OBSERVATION FOR THE RAMSEY ROAD RECONSTRUCTION PROJECT; APPROVAL OF S-1-05M FINAL PLAT APPROVAL WITH SUBDIVISION IMPROVEMENT AGREEMENT FOR RIVERSTONE WEST 1ST ADDITION; AND APPROVAL OF (2) SUNSHINE MEADOWS PARK AGREEMENT AND RELEASES WITH ACI AND PRAIRIE FALLS, LLC.
4. Approval of adding liquor to beer/wine licenses for Greenbriar Food, Inc. at 315 Wallace.
 5. SS-3-07 – Final plat approval for Riverfront House.
 6. SS-8-07 – Final plat approval for Elite Storage.
 7. Bid award for purchase of a rubber-track mounted excavator for the Street Dept.
 8. Approval of beer/wine license for Mongolian BBQ at 3213 N. Gov't Way.
 9. Approval of sidewalk encroachment permits for Brix/The Beacon and the Ironhorse Bar and Grill
 10. Setting of public hearings: O-1-07 (E. Mullan Infill Overlay Regs.) for May 1, 2007 and O-2-07 (mediation Option for zoning and subdivision regulations) for May 1, 2007.
 11. Approval of purchase of three (3) new work vehicles for the Water Dept.

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

COUNCIL ANNOUNCEMENTS:

Councilman Kennedy: Councilman Kennedy reported that he had received information from Payette regarding pit bulls. He noted that in Payette they actually have a requirement for an insurance rider for those that own dangerous dogs at \$1,000,000. He will pass this information along to the Legal Department who are reviewing the regulations regarding dangerous animals. He also expressed his appreciation to all the people who have provided information on this issue.

RESOLUTION NO. 07-029

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO TO CLARIFY A PLAT RESTRICTION CONCERNING BACKYARD ACCESS AS NOTED ON THE PLATS FOR BENTWOOD PARK 1ST THROUGH 6TH ADDITIONS.

Motion by Reid, seconded by Kennedy to adopt Resolution 07-029,

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

RESOLUTION NO. 07-030

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ANNEXATION AGREEMENT WITH WESTERN PROPERTY MANAGEMENT, INC.

Motion by Reid, seconded by McEvers to adopt Resolution 07-030.

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

RESOLUTION NO. 07-031

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE ASSIGNMENT OF A USER AGREEMENT AND COVENANT REGARDING USE WITH THE COEUR D'ALENE PARKS FOUNDATION TO THE SALVATION ARMY.

STAFF REPORT: City Attorney Mike Gridley reported that approximately 2 months ago, the Council approved a user agreement for the construction of a recreational facility. There was also a transfer of property from the City to the Parks Foundation for that property. Tonight's agreement is authorizing the Parks Foundation to assign the property to the Salvation Army for the construction of the recreational facility. He also noted that this assignment provides for certain conditions such as prohibiting any discrimination or the forcing of religion on anyone who would want to use this facility. He also noted that the original term for use of the property was 25 years; however, it is intended that this facility be in place for much longer and so this assignment removes the 25 year limit on this space. He reported that this facility will provide needed recreational activities that would otherwise not be available to this community.

Councilman Edinger commented on recent newspaper articles reporting that there is a group that believes this is not a separation of church and state and asked if this is correct. Mr. Gridley responded that he recently visited with this organization in Washington, D.C. and it appears that their concerns on this issue have diminished. He noted that City staff has contacted outside legal counsel on this issue as well as university professors who have studied this issue and all believe that there is an appropriate separation of church from state. Councilman Edinger then asked who is paying for the dirt to be moved. Mr. Gridley responded that the City agreed to provide a buildable site and so the City approved \$3,000,000 to remediate the site so it could be a buildable site. Councilman Edinger asked if there is going to be a traffic signal at Ramsey and Golf Course Road. Mr. Gridley responded that the Engineering Department will be looking at the traffic flow in this area. Councilman Edinger then asked if there is a traffic signal installed, who would pay for it. Mr. Gridley responded that this will also be part of the traffic study.

Councilman Kennedy requested that City Attorney Gridley review why the Council needs to approve this agreement after the City gave the land in a trade to the Parks

Foundation. City Attorney Gridley reported that ultimately the Salvation Army will own this property through a donation from the Parks Foundation. However, since there were some conditions in the City's land exchange agreement, this assignment transfers these conditions between the Parks Foundation and the City to the Salvation Army. Thus, when the Salvation Army builds their facility, they will be bound by the provisions in the original land exchange agreement between the Parks Foundation and the City.

Councilman McEvers noted that in the operation of the facility's portion of the agreement it notes that the City will designate a city staff member to coordinate the use for and by City recreation programs. City Attorney Mike Gridley explained that this provides that the Recreation Department will coordinate city recreation programs with the programs offered by the Salvation Army. Essentially, this does become another tool for our Recreation Department. Mayor Bloem noted that this is a cost savings to the tax payers in having the facility's construction paid by the Salvation Army which will then be offered for use to our community for City recreational programs.

Motion by Hassell, seconded by Edinger to adopt Resolution 07-031.

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

COUNCIL BILL NO. 07-1008
ORDINANCE NO. 3289

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING A NEW CHAPTER 2.46 TO ESTABLISH A SIGN BOARD, SET TERMS AND CRITERIA FOR APPOINTMENT, ESTABLISHING DUTIES AND HEARING PROCEDURES OF THE SIGN BOARD AND APPOINTING A SECRETARY; REPEALING THE CURRENT SIDE CODE AND ADOPTING A NEW SIGN CODE CODIFIED AS CHAPTER 15.24 AS FOLLOWS: ADDING A NEW ARTICLE I ENTITLED STRUCTURE WITH SECTIONS 15.24.010 THROUGH 15.24.050 TO ESTABLISH THE TITLE, PURPOSE AND SCOPE OF THE SIGN CODE AND TO ADDRESS COORDINATION WITH STATE LAW AND THE SEVERABILITY OF THE SIGN CODE; ADDING A NEW ARTICLE II ENTITLED GENERAL REQUIREMENTS WITH SECTIONS 15.24.060 THROUGH 15.24.480 TO ESTABLISH REGULATIONS FOR A FRAME SIGNS, AWNING AND CANOPY SIGNS, BANNERS OVER THE RIGHT OF WAY, COMMUNITY SIGNS, ELECTRIC SIGNS AND MESSAGE CENTERS, FREESTANDING, NON-TRADITIONAL, PROJECTING, ROOF, PORTABLE AND VEHICULAR SIGNS, WALL MURALS, SIGNS IN RESIDENTIAL, MOBILE HOME, COMMERCIAL, MANUFACTURING AND NAVIGABLE WATER ZONING DISTRICTS, ENTRY SIGNS INTO SUBDIVISIONS, TEMPORARY AND POLITICAL SIGNS, MAINTENANCE AND REMOVAL OF NONCONFORMING, DANGEROUS, OBSOLETE AND ILLEGAL SIGNS, ESTABLISHING PROHIBITED SIGNS AND PROHIBITED LOCATIONS FOR SIGNS, REGULATIONS GOVERNING BILLBOARDS; ADDING A NEW

ARTICLE III WITH SECTIONS 15.24.490 THROUGH 15.24.570 TO ESTABLISH EXCEPTIONS TO THE SIGN CODE, ACTIVITIES EXEMPT FROM PERMITTING REQUIREMENTS, PROHIBITING SIGNS THAT PROJECT OVER THE RIGHT OF WAY, PROVIDING FOR VARIANCES AND APPEAL PROCEDURES; ADDING A NEW ARTICLE IV WITH SECTIONS 15.24.580 THROUGH 15.24.690 ESTABLISHING PERMITTING REQUIREMENTS FOR SIGNS, ENFORCEMENT PROCEEDING INCLUDING PROVIDING THAT ANY VIOLATION OF THE SIGN CODE IS A MISDEMEANOR PUNISHABLE BY UP TO 180 DAYS IN JAIL OR A FINE OF \$1,000.00 OR BOTH; ADDING A NEW ARTICLE V WITH SECTION 15.24.700 ESTABLISHING A GLOSSARY OF TERMS; 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 Reid, seconded by Hassell to pass the first reading of Council Bill No. 07-1008.

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

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 07-1008 by its having had one reading by title only.

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

COUNCIL BILL NO. 07-1014
ORDINANCE NO 3290

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM MH8 TO R12 & C17 AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: TRACTS 70 AND 71, FRUITLAND ADDITION TO COEUR D'ALENE IN THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; 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 Edinger, seconded by McEvers to pass the first reading of Council Bill No. 07-1014.

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

Motion carried.

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 07-1014 by its having had one reading by title only.

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

ADJOURNMENT: Motion by Kennedy, seconded by Reid to recess this meeting to April 5, at 3:30 p.m. at the Jewett House and then to April 12 at 4:30 p.m. at the Lake City Senior Center. Motion carried.

The meeting recessed at 6:50 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC, City Clerk