

**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 6, 2004**

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 6, 2004 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Dixie Reid) Members of Council Present
Woody McEvers)
Ben Wolfinger)
A. J. Al Hassell, III)
Loren Edinger)

Deanna Goodlander) Members of Council Absent

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

INVOCATION: The invocation was led by Pastor

PLEDGE OF ALLEGIANCE was led by Councilman.

PUBLIC COMMENTS:

Peter Lutropp, 702 Dollar Avenue, representing the "Save Our Sanders" group, informed the Council that this newly formed group is here to help the Council make sure the area of Sanders Beach owned by Mr. Hagadone is kept open to the public for their use. The focus of this group is to see, that as a condition of the annexation of property, this beach area is kept open to the public. He asked that when an annexation agreement is reached, a copy of the proposed agreement be given to them a minimum of 10 days prior to it being placed on the Council agenda.

CONSENT CALENDAR: Motion by Reid, seconded by Wolfinger to approve the Consent Calendar.

1. Approval of minutes for March 10, 16, 2004.
2. Setting the General Services Committee and Public Works Committee meetings for April 12, 2004 at 4:00 p.m.
3. RESOLUTION 04-043: 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 AMENDMENT NO. 1 TO THE AGREEMENT WITH PANHANDLE AREA COUNCIL, FOR GRANT WRITING AND ADMINISTRATION SERVICES FOR ECONOMIC

- DEVELOPMENT AND PUBLIC FACILITIES PROJECTS WITH THE CITY OF COEUR D'ALENE FOR A THREE-YEAR TERM; APPROVAL OF AN AGREEMENT FOR FIRE TRAINING BURN AT 1475 KATHLEEN AVENUE; AWARD OF BID TO WESTERN STATES EQUIPMENT COMPANY, FOR A NEW TELELIFT HANDLER IN AN AMOUNT NOT TO EXCEED \$48,735.00; APPROVAL OF A COOPERATIVE DEVELOPMENT AGREEMENT FOR KATHLEEN AVENUE REALIGNMENT BETWEEN THE CITY AND THE ROMAN CATHOLIC DIOCESE OF BOISE; RATIFICATION OF AN AGREEMENT WITH PANHANDLE CONCRETE TO WITHHOLD CODE ENFORCEMENT ACTIONS UNTIL OCTOBER 2, 2004; ACCEPTANCE OF IMPROVEMENTS, MAINTENANCE/WARRANTY AGREEMENT & SECURITY APPROVAL FOR MERRITT OFFICE PARK; ACCEPTANCE OF IMPROVEMENTS, MAINTENANCE/WARRANTY AGREEMENT & SECURITY APPROVAL FOR RAMSEY MEADOWS 2ND ADDITION; ACCEPTANCE OF IMPROVEMENTS, MAINTENANCE/WARRANTY AGREEMENT & SECURITY APPROVAL FOR SUNSHINE MEADOWS AND FINAL PLAT APPROVAL, ACCEPTANCE OF IMPROVEMENTS, MAINTENANCE/WARRANTY AGREEMENT & SECURITY APPROVAL FOR SUNSHINE MEADOWS 1ST ADDITION AND APPROVAL OF A CONTRACT AMENDMENT WITH WENDY HAGUE; A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR MAINTENANCE/WARRANTY OF SUBDIVISION WORK WITH GREENSTONE KOOTENAI, INC. ITS PRINCIPAL PLACE OF BUSINESS AT 1421 MEADOWLARK LANE, SUITE 200, LIBERTY LAKE, WA 99010.
4. RESOLUTION 04-044: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ADOPTING THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT PRIVACY MANUAL.
 5. RESOLUTION 04-045: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING A POLICY PROHIBITING THE USE OF EXCESSIVE FORCE AGAINST NON-VIOLENT CIVIL RIGHTS DEMONSTRATORS.
 6. RESOLUTION 04-046: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING THE FIXED ASSETS POLICY AND PROCEDURES
 7. Approval of use of horse drawn buckboard upon certain City streets.
 8. Approval of permit to use Kiosks by Kikki Miller.
 9. SS-3-04 – Final Plat approval of Eaton Addition.
 10. Setting of public hearing for establishing fees and increased certain fees for street trees for April 20, 2004.
 11. Setting of public hearing for V-04-2, vacation of Block 5, and adjoining 20th Street and Nebraska Ave. rights-of-way in Beauty Park subdivision for May 4, 2004.
 12. Acceptance of grant of right-of-way, Government Way, Phase 2 Project.

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

APPEAL HEARING – DENIAL OF BEER/WINE LICENSE FOR CHEERS SPORTS BAR AND GRILL: Mayor Bloem read the rules of order for this public hearing. No Council member declared a conflict of interest. Kathy Lewis, Deputy City Clerk, gave the staff report.

Mrs. Lewis reported that beginning with Mr. Cameron's project review in 2002, he had been informed that to sell beer/wine at 1719 N. 4th, the operation must be primarily a restaurant and he would be required to provide semi-annual reports including State Tax Commission sales receipts. On February 27, 2004, Mr. Cameron presented his application to renew his license; however, he did not provide any financial statements as required by City Code. Mr. Cameron was given until March 5th to provide the required documents. Since Mr. Cameron failed to supply the required financial statement, his license had been denied. Susan Weathers, City Clerk notified Mr. Cameron of her decision on March 5th. On March 15th Mr. Cameron submitted his request for an appeal hearing.

PUBLIC COMMENTS: Brent Russell, 5305 Fairway Lane, Rathdrum, Idaho, requested that Council approve Mr. Cameron's appeal and grant him a renewal of his beer/wine license. Jack Cameron, 7195 N. Windy Pines Street, Coeur d'Alene, explained that the lady doing his books became ill in February and that's why he did not have any financial records for the past year and a half.

Motion by Wolfinger, seconded by Reid to deny the appeal. ROLL CALL: McEvers, Aye; Reid, Aye; Edinger, Aye; Wolfinger, Aye; Hassell, Aye. Motion carried.

ADMINISTRATIVE HEARING – NUISANCE ABATEMENT AT 918 BANCROFT AVENUE PURSUANT TO CITY CODE CHAPTER 8.28 AND 8.04: Mayor Bloem read the rules of order for this public hearing. No Council member declared a conflict of interest. Wes Somerton, Deputy City Attorney, gave the staff report.

Mr. Somerton reported that a complaint has been filed against Marie and Kenneth Swan for creating a nuisance in their yard by accumulating dismantled and inoperable vehicles and accumulating and/or storage of bulky waste, trash, garbage, rubbish and solid waste. Tonight's hearing is to followup on the previous hearing, for the abatement of abandoned vehicles in which the issue of the accumulated debris was discussed. Ms. Swan had attempted to pay the City \$25 for the cost of the cleanup of which her check was returned as it appears that she was confused that the code requires a \$25 administrative fee for the hearing and does not cover the cost of the cleanup.

PUBLIC COMMENTS: Phillip Waring, 921 Bancroft, has lived across the street from this residence for the past 20 years. He feels that this is an issue of cleanliness, safety and property value.

Motion by Reid, seconded by Edinger to authorize staff to proceed with cleaning the subject property and placing a lien against the property for the costs incurred with the cleaning of the debris. ROLL CALL: McEvers, Aye; Reid, Aye; Edinger, Aye; Wolfinger, Aye; Hassell, Aye. Motion carried.

SENATE BILL 1260: Councilman Wolfinger, on behalf of Prosecuting Attorney Bill Douglas, expressed his thanks to Chief Gabriel to help getting Senate Bill 1260 passed, which is the Medal of Honor Bill.

GYMNASTICS/TUMBLING PROGRAM: Councilman Hassell announced that the Spring Gymnastics/Tumbling program is now open for registration.

POT HOLES: Councilman McEvers announced that to date, the City of Coeur d'Alene has not had any potholes reported to KREM 2 News as part of their Pothole Patrol program.

APPOINTMENT – VARIOUS COMMITTEES: Motion by Edinger, seconded by Wolfinger to appoint Amos Libby to the Jewett House Advisory Board, Chris Copstead to the Pedestrian/Bicycle Advisory Board and Rod Burluson to the Parking Commission. Motion carried.

EXECUTIVE TEAM REPORT: City Administrator, Wendy Hague, reported that the Recreation department is currently registering for youth swim lessons. Classes begin in late April. She announced the Street Department's spring clean up was completed March 31st. All city streets have been swept and flushed following a tough winter. Also, city Adopt-a-Street groups are encouraged to get out in the month of April and conduct a spring litter pick-up outing. The City's team will be out Wednesday night picking up litter on Seltice Way. She also thanked the hundreds of volunteers who help keep our city clean. Applications are now being accepted for Firefighters. The Firefighter recruitment is open until 5:00 p.m. Wednesday, April 14th. Mrs. Hague noted that the restroom at the 3rd St. Boat Launch area would be knocked down and removed by the Street Department tomorrow. The new portable shelter should be completed before the end of the month. She expressed her appreciation for Detective Wild for getting to the bottom of the false allegations of assault at the NIC campus. She announced that the Stormwater utility proposal will be coming back to the Council in the near future. She thanked the Legislative Committee for their work during the State legislative session. On a final note, she reminded residents that Ironman 2005 is coming in June and if anyone would like to volunteer they may contact Janet Flerchinger at City Hall.

DOGS ON TUBBS HILL: Mayor Bloem reminded residents that dogs being walked on Tubbs Hill trail need to be kept on a leash at all times.

ORDINANCE NO. 3167

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING 10.20.010 TO PROHIBIT PERSONS FROM STOPPING, STANDING OR PARKING A VEHICLE IN FRONT OF A MAILBOX; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDE FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF.

Motion by Wolfinger, seconded by Hassell to pass the first reading of Ordinance No. 3167.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3167 by its having had one reading by title only.

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

DEFERMENT OF STREET TREE PLANTING: Motion by Wolfinger, seconded by Hassell to direct staff to prepare an ordinance amending Municipal Code Section 12.36.424 regarding deferment of Street Tree Planting regulations. Motion carried.

RESOLUTION 04-047

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR THE TREE CARE EDUCATION SERVICES WITH KEN EGGLESTON, WITH A PRINCIPAL PLACE OF BUSINESS AT 1662 E. JABBARA, COEUR D'ALENE, ID 83815.

Motion by Wolfinger, seconded by Hassell to adopt Resolution 04-047.

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

RESOLUTION 04-048

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A RECIPROCAL AGREEMENT WITH THE CITY OF POST FALLS TO PROVIDE FOR A BACK UP SYSTEM FOR UTILITY BILLING RECORDS AND OTHER FINANCIAL ACCOUNTING IN THE VENT OF A SYSTEM FAILURE.

Motion by Wolfinger, seconded by Hassell to adopt Resolution 04-048.

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

RESOLUTION 04-049

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR ANIMAL CONTROL SERVICES WITH THE WATSON AGENCY, INC., ITS PRINCIPAL PLACE OF BUSINESS AT 915 SHERMAN AVENUE, COEUR D'ALENE, IDAHO 83814.

Motion by Hassell, seconded by Edinger to adopt Resolution 04-049.

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

RESOLUTION 04-050

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ANNEXATION AGREEMENT WITH BREWSTER BOAT WORKS, INC.

Motion by Reid, seconded by Wolfinger to adopt Resolution 04-050.

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

ORDINANCE NO. 3168

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 4, 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 1.16.070, COEUR D'ALENE MUNICIPAL CODE, BY DECLARING SUCH PROPERTY TO BE A PART OF PRECINCT #41; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by Wolfinger to pass the first reading of Ordinance No. 3168.

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

Motion by Wolfinger, seconded by Reid to suspend the rules and to adopt Ordinance No. 3168.

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

PUBLIC COMMENTS - HAGADONE ANNEXATION: Karen Lamb, 7025 E. Buckboard Rd., representing the Silver Beach Preservation Group, requested that Council not allow tall buildings along the Silver Beach area as requested by Mr. Hagadone in his annexation application. Although she has not received all the signatures on her petition, she believes that she had over 300 signatures. She also asked the Council not to act on annexation agreement until she has received all the signatures on her petition. Finally, she asked that the Council not take any action on the annexation agreement until after the people can be heard on April 20, 2004.

EXECUTIVE SESSION: Motion by Reid, seconded by Wolfinger to enter into Executive Session as provided by Idaho Code 67-2345 Subsection A: To consider hiring a public officer, employee, staff member or individual agent; 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 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: McEvers, Aye; Reid, Aye; Edinger, Aye; Wolfinger, Aye; Hassell, Aye. Motion carried.

The session began at 7:30p.m. Members present were the Mayor, City Council and City Administrator.

Matters discussed were those of property acquisition, personnel matters, labor negotiations and pending litigation.

No action was taken and the Council returned to regular session at 8:40 p.m.

NATIONAL LEAGUE OF CITIES MEMBERSHIP RENEWAL: Council discussed whether to renew the City's membership with the National League of Cities. Motion by Wolfinger, seconded by Reid to approve the City's membership renewal with NLC for the next six months. Motion carried.

ADJOURNMENT: Motion by Wolfinger, seconded by Reid that, there being no further business, this meeting is adjourned.

The meeting adjourned at 8:50 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk