

**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 5, 2005**

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 5, 2005 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)
A. J. Al Hassell, III)
Ben Wolfinger)
Loren Edinger)

Deanna Goodlander) Member of the Council Absent

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

INVOCATION: The invocation was led by Pastor Tom Weadick, Vineyard Christian Fellowship.

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

PROCLAMATION – WEEK OF THE YOUNG CHILD: Councilman McEvers, on behalf of Mayor Bloem read the proclamation proclaiming the week of April 3rd as Week of the Young Child. Shelly Thomas, President of NIAEYC accepted the proclamation. Mayor Bloem announced that this Saturday, NIAEYC is conducting their annual awards banquet.

PROCLAMATION – FAIR HOUSING MONTH: Councilman Wolfinger, on behalf of Mayor Bloem read the proclamation proclaiming the month of April as Fair Housing Month. Ann Anderson, CD'A Association of Realtors, accepted the proclamation.

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

FREQUENTLY ASKED QUESTIONS: How much has the City grown in terms of acres this past year? John Stamsos responded that over the past year the City of Coeur d'Alene has grown by 350 acres due to the annexation of the Cd'A Resort Golf Course and Riverstone.

CONSENT CALENDAR: Motion by Reid, seconded by McEvers to approve the Consent Calendar as presented except that Item 6 is removed from the calendar.

1. Approval of minutes for March 15, 16, 23, 2005.
2. Setting the Public Works Committee and General Services Committee meeting for April 11, 2005 at 4:00 p.m.
3. RESOLUTION 05-023: 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 TO INTERSTATE CONCRETE AND ASPHALT FOR THE 2005 OVERLAY PROJECT; APPROVAL OF S-5-03 ACCEPTANCE OF IMPROVEMENTS, MAINTENANCE / WARRANTY AGREEMENT FOR SUNSHINE MEADOWS, 4TH ADDITION AND APPROVAL OF A LEASE RENEWAL WITH DEBRA K. SMITH D/B/A D. HAWAIIAN SNOW FOR HAWAIIAN SHAVE SNOW ICE AND GOURMET COFFEE CONCESSIONS
4. Approval of cemetery lot repurchase from Marjorie McDaniel.
5. Acceptance of Right-of-Way – Gov't Way Project, Phase 2
6. ~~Approval of beer/wine license for Café Tokyo at 607 Appleway~~
7. Approval of surplus Library computer hardware.
8. Approval of bid specifications and authorizing staff to advertise for bids – fuel management services.

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

RE-APPOINTMENT – LCDC: Motion by Wolfinger seconded by Edinger to re-appoint Dixie Reid to the LCDC Board. Motion carried.

EXECUTIVE TEAM REPORT: Susan Weathers, representing the Executive Team, announced the following: The City Council will be conducting a Strategic Planning Retreat on April 7th. The City Streets Maintenance Department will commence spring paint striping of the city's 60 miles of traffic and bike path lines. Weather permitting, this project will start on Wednesday, April 6th, and will take about 10 good weather days to complete. Motorists are asked to be alert for the paint striping truck that is followed by a following pilot car with flashing "Wet Paint – Stay Back" signboard. Basketball and softball registration for boys and girls, ages 5 through 13 will begin May 9th through the 20th, at the Recreation Department on the first floor of City Hall, 710 E. Mullan Avenue. Also, the entry deadline for adult coed softball is Friday, April 16th. Contact the Recreation Department for more information at 769-2250. It is the Street Maintenance Department's goal to keep the city free of damaging potholes. To help out, we would encourage citizens to call in any potholes encountered to 769-2233. The next session of the free Signing Babies Class is this Thursday, April 7th, from 9:00 to 10:00 a.m. at the Coeur d'Alene Public Library. The next class is May 5th, from 2:00 to 3:00 p.m. Pre-registration is required. Sign up by visiting the Children's Library or calling Youth Services at 769-2315. The Friends of the Coeur d'Alene Public Library will put out their tables and canopies this Friday, April 8th, for the first Front Porch Book Sale of the year.

The sale will be from 9:00 a.m. to 4:00 p.m. in front of the Library at 201 E. Harrison Avenue. The City of Coeur d'Alene is currently accepting applications for Assistant Urban Forester, and Public Works Inspector. Both application deadlines are Friday, April 15th. For more information, you can either pick up an application here at City Hall, or download an application on our web site at www.cdavid.org. Volunteers from the Tubbs Hill Foundation and Lake City High School will be planting approximately 170 ponderosa pine seedlings on the north side of Tubbs Hill on Saturday morning, April 9th. For more information, contact the Parks Department at 769-2252. The Ray & Joan Kroc Corp Community Center grant application packets arrived in Long Beach, CA last Thursday. A special thanks to everyone who were part of the fundraising effort. We have been told that we may hear from The Salvation Army about the grant by end of June/first of July. The city has 33 Adopt-a-Street groups helping to keep our streets free of litter. We appreciate their efforts, and we encourage them all to get out this time of year to conduct one of their clean-up outings. For everyone, please take note of the names on the Adopt-a-Street signs and thank these volunteers next time you see them.

RESOLUTION 05-024

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A SERVICES AGREEMENT FOR PUBLIC ART STUMP CARVING IN THE PUBLIC PARKING LOT NORTH OF THE MUSEUM OF NORTH IDAHO WITH BUDDY PAUL WHOSE ADDRESS IS 2772 W. LUTHERHAVEN, COEUR D'ALENE, IDAHO 83814

Motion by Wolfinger, seconded by Edinger to adopt Resolution 05-024.

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

RESOLUTION 05-025

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR ADDITIONAL DESIGN ENGINEERING SERVICES FOR THE PHASE 4B TREATMENT PLANT UPGRADE AND EXPANSION PROJECT, WITH HDR ENGINEERING, INC., ITS PRINCIPAL PLACE OF BUSINESS AT 418 SOUTH 9TH STREET, SUITE 301, BOISE, IDAHO 83702

Motion by Reid, seconded by Edinger, to adopt Resolution 05-025.

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

RESOLUTION 05-026

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR CONSTRUCTION

MANAGEMENT AND STARTUP SERVICES FOR PHASE 4B TREATMENT PLANT UPGRADE AND EXPANSION IMPROVEMENTS, WITH HDR ENGINEERING, INC., ITS PRINCIPAL PLACE OF BUSINESS AT 418 SOUTH 9TH STREET, SUITE 301, BOISE, IDAHO 83702.

Motion by Reid, seconded by McEvers to adopt Resolution 05-026.

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

FINDINGS AND ORDER – ZC-3-04 M.1 – Zone Change at Copper Ridge: Motion by Reid, seconded by Wolfinger to adopt the Findings and Order as presented for ZC-3-04 M.1.

DISCUSSION: Councilman McEvers expressed his appreciation of Deputy City Attorney Warren Wilson for his work in completing the Findings and Order.

ROLL CALL: Edinger, No; Hassell, No; McEvers, Aye; Reid, Aye; Wolfinger, Aye.
Motion carried.

FINDINGS AND ORDER – S-2-04 M.1 – Plat for Copper Ridge: Motion by Wolfinger, seconded by Reid to adopt the Findings and Order as presented for S-1-04M.1 for the plat for Copper Ridge.

DISCUSSION: Deputy City Attorney reviewed the changes to the Findings and Order including the additional condition to Mountain Vista for non-vehicular traffic. He also noted that there is no vehicular traffic to Lot 41.

ROLL CALL: Edinger, No; Hassell, No; McEvers, Aye; Reid, Aye; Wolfinger, Aye.
Motion carried.

RESOLUTION 05-027

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF L & L CARGILE, INC. FOR THE IRONWOOD WATER MAIN UPGRADE.

Motion by Reid, seconded by Edinger to adopt Resolution 05-027.

DISCUSSION: Councilman Wolfinger noted that this bid is approximately \$67,000 below engineers estimate.

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

PUBLIC HEARING – ZC-8-04 – ZONE CHANGE AT 1023 LACROSSE: Mayor Bloem read the rules of order for this public hearing. No conflict of interest was declared by any Council member. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos gave the applicant's name as Paul Jameson, the location as a 14,070 sq. ft. parcel at 1023 LaCrosse, and the reason for the application as a zone change from R-12 to C-17L.

He went on to give the staff analyses for zoning, Comprehensive Plan, utilities, traffic and streets. He reported that on February 8, 2005 the Planning Commission recommended approval of this zone change by a vote of 4 to 0.

Mr. Stamsos noted that on March 18, 2005 34 notices of this public hearing were mailed with 5 responses were received - 1 in favor, 1 opposed, and 3 neutral. Written comments were distributed for Council review.

PUBLIC COMMENTS: Paul Jameson, 2639 E. Dalton Ave., Coeur d'Alene, noted that his intent is to build a small commercial office building for his business and possibly a few compatible businesses.

Motion by Edinger, seconded by Wolfinger to approve the zone change and to adopt the Findings and Order of the Planning Commission. **ROLL CALL:** Edinger, Aye; Hassell, Aye; McEvers, Aye; Reid, Aye; Wolfinger Aye. Motion carried.

PUBLIC HEARING – 0-1-05 – AMENDING HILLSIDE REGULATIONS: Mayor Bloem read the rules of order for this public hearing. Warren Wilson, Deputy City Attorney, gave the staff report.

Mr. Wilson reported the Council is being asked to consider whether the Hillside Overlay zone should be amended to include areas annexed into City of Coeur d'Alene and that the Fernan Lake Management Plan be included as a factor in determining land use decisions within the Fernan Lake Planning Area.

PUBLIC COMMENTS: Cheri Howell, 1711 Jenny Lynn Lane, Fernan Village, spoke in support of this amendment and announced that the Fernan Lake Management Plan has been completed.

ORDINANCE NO. 3207

COUNCIL BILL NO. 05-1004

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 17.08.905 TO INCLUDE LANDS ANNEXED INTO THE CITY WITHIN THE HILLSIDE OVERLAY ZONE; AMENDING SECTION 17.08.943 TO REQUIRE THAT THE FERNAN WATERSHED MANAGEMENT PLAN BE CONSIDERED IN MAKING LAND USE DECISION WITHIN THE FERNAN LAKE PLANNING AREA; AMENDING SECTION 17.08.945 TO REQUIRE THAT THE FERNAN

WATERSHED MANAGEMENT PLAN BE CONSIDERED IN GRANTING DEVIATIONS WITHIN THE FERNAN LAKE PLANNING AREA; 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 Wolfinger, seconded by Hassell to pass the first reading of Council Bill No. 05-1004.

DISCUSSION: Council President Reid asked who enforces these regulations. Deputy City Attorney Warren Wilson responded that Engineering and Building are responsible. Council Reid asked who monitors the paint color. Warren Wilson responded that the Planning Dept. staff monitors the color. Council President Reid noted that there are at least 2 homes that look lighter than the permitted colors.

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

Motion by Wolfinger, seconded by Edinger to suspend the rules and to adopt Council Bill 05-1004 by its having had one reading by title only.

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

PUBLIC HEARING – A-1-05 AND ZC-3-03 – ANNEXATION AND ZONING – WASTEWATER TREATMENT PLANT: Mayor Bloem read the rules of order for this public hearing. No Council member declared a conflict of interest. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos gave the applicant's name as the City of Coeur d'Alene, the request as an annexation and zoning of C-17 for a 5,227 sq. ft. parcel of property as well as a zone change from LM to C-127 for a 15,246 sq. ft. parcel of property.

Mr. Stamsos gave the staff analyses for land use, Comprehensive Plan, utilities, traffic and streets. On February 8, 2005 the Planning Commission recommended approval of the annexation of Parcel A and the requested zoning of both parcels.

He reported that on March 18, 2005 7 notices of tonight's public hearing were sent with 2 responses being received both neutral. Written comments were distributed for Council review.

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

Motion by Reid, seconded by Wolfinger to approve the annexation and zoning of parcel "A" and the requested zoning for parcel "B" and to adopt the Findings and Order of the

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

EXECUTIVE SESSION: Motion by Reid, seconded by Wolfinger 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: McEvers, Aye; Reid, Aye; Edinger, Aye; Wolfinger, Aye; Hassell, Aye. Motion carried.

The session began at 6:50 p.m. Members present were the Mayor, City Council, City Administrator and City Attorney.

Matters discussed were those of pending litigation. No action was taken and the Council returned to regular session at 8:06 p.m.

LAND FOR SCHOOL FACILITIES: Motion by Reid, seconded by Wolfinger to authorize staff to continue to work with School District 271 on a partnership for the acquisition of land for school facilities and to further direct staff to prepare a Memorandum of Understanding between the City and the School District. Motion carried.

ADJOURNMENT: Motion by Edinger, seconded by Wolfinger to recess this meeting to Thursday, April 7th at 4:30 p.m. at the Cd' A Inn. Motion carried.

The meeting adjourned at 8:07 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk