

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D’ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
APRIL 7, 2009**

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 Library Community Room April 7, 2009 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

John Bruning)	Members of Council Present
A. J. Al Hassell, III)	
Deanna Goodlander)	
Mike Kennedy)	
Woody McEvers)	
Loren Ron Edinger)	

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

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

INTRODUCTION – U.S. SENATOR WALT MINNICK: Mayor Bloem introduced Congressman Walt Minnick who is visiting Coeur d’Alene today. Congressman Minnick noted that he is spending this week touring North Idaho while the U.S. Senate is on break. He noted that their focus in Congress has been on employment, banking and stimulating the economy. He added that the major issues following the budget will be health care and energy issues. Councilman Kennedy noted that water quality and wastewater treatment standards as set by Washington State and that the City must comply with, are unreachable with today’s technology and asked the Senator to keep an eye on this issue. Congressman Minnick responded that there are several sets of funds intended to help cities with this issue through Federal granting agencies. He added that he will be working with the EPA to reach common sense standards.

PRESENTATIONS:

PROCLAMATION – WEEK OF THE YOUNG CHILD: On behalf of Mayor Bloem, Councilman Hassell read the Mayor’s proclamation designating the week of April 12th as “Week of the Young Child” in the City.

PROCLAMATION – FAIR HOUSING MONTH: On behalf of Mayor Bloem, Councilman Bruning read the Mayor’s proclamation designating April as Fair Housing Month in the City. Amy Dreps from the Disability Action Center accepted the proclamation.

PRESENTATION – COMMUNITY GARDEN AND XERISCAPE GARDENING:

Water Superintendent Jim Markley and Korrine Kreilkamp from Kootenai Environmental Alliance presented an overview of the proposed Community Garden. Mr. Markley reviewed why we should be conserving water and what the City is doing to encourage water conservation and their participation in the Community Garden Pilot project. Ms. Kriekamp presented the proposed community garden which will be located at 10th and Foster Avenue. The garden includes 40 raised beds which have had commitments from schools and service groups to participate with this garden. Councilman Goodlander noted that other neighborhoods could start a similar community garden on lots in their area.

PUBLIC COMMENTS:

AMERICAN LEGION BASEBALL LEAGUE: Charles Roan, 6940 E. Borley Road, representing the Coeur d'Alene American Legion Baseball League, provided clarification regarding the misrepresentation on the proposed sports complex at Riverstone. He noted that the analysis quoted that the American Legion is in support of this complex and would have major use of this sports complex. He commented that the American Legion is not in support of the proposed complex and sees their home now and in the future at McEuen field. Councilman Goodlander clarified that this study was not done entirely by LCDC but, rather, that LCDC was a small participant in the study.

BIDS FOR LANDINGS PARK: Jennifer Simpson, attorney representing Hillside Landscaping Construction, addressed the Council regarding staff's recommendation to reject all bids for Landings Park Phase II. She requested that this item be removed from the Consent Calendar and be set as a public hearing at a later time. She believes that all bids should not be rejected as her client was the only responsive bidder and therefore should be awarded the bid.

City Attorney, Mike Gridley, explained that there was some confusion as to whether the listing of all subs were to be submitted with their bids or not. Due to this confusion between staff and all other bidders that the cleanest and fairest way is to reject all bids and rebid the project.

HAROLD HOCKER'S COMMENTS: Harold Hocker, 1413 E. Spokane Avenue, asked why the HUD grant funds need to be repaid to the City. Mayor Bloem explained that in the beginning HUD Funds could go into a grant pool for emergency home repairs for low income households which, grant funds were to be repaid. The grant program has been reformulated and the grant funds do not need to be repaid. Mr. Hocker commented that he believes that although a person such as Mr. Nipp is very popular, he had heard from several people that he broke the conflict of interest laws and should be treated like any other person that breaks the law.

CHILD ABUSE PREVENTION MONTH: Beth Barclay, Director of "I Care Program" for St. Vincent DePaul, representing the Child Abuse Prevention Coalition thanked Mayor Bloem for presenting a proclamation at their meeting yesterday. She

noted that as a means of recognizing this month they will be placing pinwheels throughout the city.

CAP FEES FOR SOUP KITCHEN: Kevin Kram, Cherished Ones Ministry, first expressed his appreciation of the City staff that have been working with him in resolving his issue with the estimated cost of sewer cap fees for his soup kitchen. He commented that his ministry serves meals to homeless and needy people in our community with over 50,000 meals being served since 1991. Today they are again looking for a location for serving their meals. One of the concerns with the site that they are looking at is the sewer cap fees they would need to pay and asked the Council if they could lower that cost. Councilman McEvers asked how many places have they served their meals from. Mr. Kram responded that they have moved approximately 5-6 times. Councilman McEvers commented that he believes that Mr. Kram is really requesting a “3-hour deal” type of consideration for sewer cap fees. Mr. Kram commented that within those 3 hours they prepare the food, serve the food and clean up. He noted that clean up consists of pots and spoons as all the eating utensils are disposable. Mr. Kram stated that he is asking for a way to keep the kitchen open and added that last year he had an annual budget of \$11,000 and served over 10,300 meals; however, the projected cost for cap fees is \$16,000. City Administrator Wendy Gabriel recommended that the Council direct staff to meet with Mr. Kram to seek a resolution to this issue.

MOTION: Motion by Hassell, seconded by Goodlander to direct staff to meet with Mr. Kram to seek a resolution to the sewer cap fee cost for his soup kitchen. Motion carried. Gus from Post Falls spoke in support of Cherished Ones Ministry.

Chris Colby, 901 Bancroft, spoke in support of Cherished Ones Ministry. Jody Couch, 2825 N. Francis Street, also spoke in support of Cherished Ones Ministry.

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

1. Approval of minutes for March 17, 2009.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, April 13th at Noon and 4:00 p.m. respectively.
3. RESOLUTION 09-015: 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 A CONTRACT WITH QWEST COMMUNICATIONS FOR 911 ADDRESS LOOKUP INFORMATION; APPROVAL OF A LEASE AGREEMENT WITH RANDY & AKIKO FOLK FOR THE TIKI HUT - INDEPENDENCE POINT CONCESSIONAIRE; APPROVE THE DECLARATION OF SURPLUS PROPERTY – 125 HP ELECTRIC MOTOR; APPROVAL OF AMENDMENT NO. 1 TO THE AGREEMENT WITH HDR ENGINEERING FOR DESIGN OF WWTP DIGESTER REPAIRS; APPROVAL OF AMENDMENT NO. 2 TO THE AGREEMENT WITH HDR ENGINEERING FOR WWTP PHASE 5A

CONSTRUCTION; APPROVAL OF A WAIVER OF OPPOSITION TO ANNEXATION AGREEMENT WITH R. BRAD & DEBRA A. JORDAN FOR PROPERTY ON NETTLETON GULCH; AWARD OF BID AND APPROVAL OF A CONTRACT WITH REPIPE CALIFORNIA, INC. FOR THE WASTEWATER CURED IN PLACE PIPE REHABILITATION PROJECT; AND AWARD OF BID AND APPROVAL OF A CONTRACT WITH SMALL'S CONSTRUCTION FOR THE PHASE II DEVELOPMENT OF THE LANDINGS PARK.

4. Rejecting all bids and authorizing staff to rebid – Landings Par, Phase II Construction.
5. RESOLUTION 09-016: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING A DAY CAMP POLICY FOR GROUPS USING THE LIFEGUARDED AREA OF CITY BEACH.
6. Approval of modifications to Community Development Block Grant – Minor Home Repair.
7. Authorizing a request for proposals for a single-source towing provider
8. Setting a public hearing for the Consolidated Annual Performance and Evaluation Report for April 21, 2009.
9. Authorizing the Pedestrian/Bicycle Committee with planning, workshops and an off-street Parking Study for bike lanes on 15th Street.
10. Approving specifications and authorizing staff to advertise for bids for the WWTP Digester 2 repairs.
11. Approval of purchase of a 2009 Two-Ton utility services truck for Storm Water Utility.
12. Approval of transfer of beer/wine license for Down the Street Family Restaurant
13. Approval of beer/wine license for My Place at 1801 E. Sherman Avenue

DISCUSSION: Councilman McEvers asked why we are managing day camps. Steve Anthony, Recreation Director, responded that day camps currently utilize City Beach but the problem is the camps bring bus loads of young children without adequate adult supervision thus shifting their responsibility of keeping these children safe to the lifeguards. The policy would require that the day camps provide adequate adult supervision for the children under their care. Councilman Goodlander noted that the policy mirrors what the Kids Plus program currently does which is to bring adequate supervision for their children. Councilman Edinger commended Nancy Lowery, Lifeguard Supervisor, for her work in developing this policy and who did an excellent job in presenting this issue.

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

RECESS: Mayor Bloem called for a 5-minute recess at 7:30 p.m. The meeting reconvened at 7:36 p.m.

PUBLIC HEARING – A-7-08 – ANNEXATION AND ZONING OF PROPERTY AT 2230 SKYLINE DRIVE: Mayor Bloem read the rules of order for this public

hearing. No conflict of interest was declared by the City Council. John Stamsos, Senior Planner, gave the staff report.

Mr. Stamsos gave the applicant's name as Stephen B. Meyer, the location as a 2.7 acre parcel at 1130 East Skyline Drive and the reason for the request as annexation with an R-3 zoning designation. He gave the staff analyses for land use/neighborhood characteristics, Comprehensive Plan, utilities, streets and traffic. He noted that this property does fall within the guidelines for complying with the City's Hillside regulations.

He reported that on January 13, 2009 the Planning Commission heard this request and recommended approval of the zoning of R-3.

Mr. Stamsos noted that a total of 21 notices for tonight hearing were mailed with 4 responses being received - 0 in favor, 2 opposed, and 2 neutral. Written comments were distributed for Council review.

Councilman Edinger asked that in light of the hillside slope of this property where the driveways were going to be placed. Mr. Stamsos responded that if the applicant wished to create a subdivision on this parcel they would need to come before the Council with that request. If they plan to build one building, then they would need to comply with building requirements. Councilman Edinger believes that the only way for the applicant to hook up to the sewer would be to access their neighbor's property. Wastewater Superintendent Sid Fredrickson added that without accessing other private property he cannot see how the applicant could connect to the city sewer lines. Councilman Kennedy noted that the hillside ordinance would restrict construction due to the disturbance on this site. Mr. Stamsos noted that the applicant could probably construct one additional residence at this site. Councilman Goodlander asked if this property is currently two parcels in the county. Mr. Stamsos responded that it is designated as two parcels in the county; however, for them to develop these parcels in the County they would need to obtain a septic tank permit which is questionable at this time. Councilman Bruning asked if the County had a hillside ordinance similar to the City. Mr. Stamsos responded that they have erosion control but nothing like our hillside regulations.

PUBLIC COMMENTS:

Robert Redfearn, 2735 Fernan Hill road, representing the applicant, apologized for leaving the previous public hearings prior to them being heard. He noted that with the slope of the land and the water supply currently available they could only construct one residence today. He noted that the applicant is not planning on constructing anything until the city utilities and roadway have been improved by the City at which time the owner may place 4 homes on this property. He noted that this annexation is being requested in order to improve the uniformity of the boundaries of the city limits. Councilman Kennedy asked what the value is of having a uniform boundary. Mr. Redfearn noted that this property becomes more valuable for the owner if it is within the city limits. Councilman Edinger asked what the benefits would be to the city to annex this property and then have the taxpayers pay for the improvements to the roadway and

water supply for this site. Mr. Redfearn responded that the improvements are for other property besides this subject property.

Councilman Edinger asked Wastewater Superintendent Sid Fredrickson if the Wastewater utility was going to extend the sewer line up the hill to this property. Mr. Fredrickson responded that they do not plan to extend sewer up the hill and that it is the responsibility of the homeowners to extend sewer to their property. Water Superintendent Jim Markley responded that his response is the same for water service to this property as for sewer lines.

Eric Brinton, 1198 E. Skyline Drive, spoke in opposition to this annexation. He commented that in regard to improvements to Skyline Drive it currently does not have parking allowed on that street. As far as the easement, he believes the easement is an access easement and not a utility easement.

Doug Trimpe, 1200 E. Skyline Drive, noted that this is the fourth time that he has attempted to provide testimony on this application due to the applicant's no-show or leaving the meetings prior to the item being heard. He spoke in opposition to this annexation noting that after checking with the County the subject parcels were illegally split. He also believes that Skyline Drive abutting this property is very dangerous due to the slope of the hill and with the property above the roadway it compounds the danger of accidents on this roadway. He noted that the terrain is not flat and cannot see how they can construct the number of homes noted by the applicant's representative on this lot. He also sees a safety conflict for the children using the adjacent sledding hill. He requested the Council deny the annexation and R-3 zoning.

Mr. Redfearn rebutted that even with the R-3 zoning there would be no more than 3 additional homes constructed on this site. He also maintains that the Water Department is planning on expanding their water system in that area. In regard to the ingress/egress for this property, the Fire Department has signed off on this property. He believes that with the influx of population growth will occur in this area. He re-iterated that if the owner does not sell the property, then only 3 additional homes would be constructed at this site.

Mayor Bloem asked Mr. Stamos if the subject property were zoned R-1 how many dwellings could be on this property. Mr. Stamos responded two homes in addition to the existing home.

Councilman Kennedy asked about the illegal lot line. Mr. Stamos responded that he has not been informed of an illegal lot line. If it is annexed and if it is an illegally split lot, it would become a legal nonconforming lot within the City. Councilman Kennedy voiced his concern that it does appear by the lot lines around the existing residence to be an illegal lot.

MOTION: Motion by Edinger, seconded by McEvers to deny the requested annexation and R-3 zoning and to direct staff to prepare the Findings and Order.

DISCUSSION: Councilman McEvers feels that this request is a little premature. Councilman Kennedy noted that he had voted against considering this annexation and with the information received tonight he still believes that this is not an appropriate annexation at this time. Councilman Goodlander noted that the hillside regulations were placed to protect hillsides; however, she feels that this is not a good time for annexation at this time. Councilman Hassell commented that the lack of water and sewer lines concerns him. He does believe that growth will occur on the property to the east and at that time it would make more sense to annex this property. Councilman Bruning noted that this is a stable-established area on the Comprehensive Plan and this area should remain as it is and not be annexed into the City.

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

PUBLIC HEARING – ZC-2-09 – ZONE CHANGE AT 2903 N. 4TH STREET:

Mayor Bloem reiterated the rules of order this public hearing. No conflict of interest was declared by a Council member. John Stamsos gave the staff report.

Mr. Stamsos gave the applicant's name as George Mitchell, the location as 2903 N. 4th Street and the reason for the request as a zone change from R-12 to R-17. He then gave the staff analyses for land use/neighborhood characteristics, Comprehensive Plan, utilities, traffic and streets.

Mr. Stamsos reported that on March 10, 2009 the Planning Commission recommended approval of the requested zone change. He noted that on March 20, 2009 23 notices of tonight's public hearing were mailed with a total of 5 responses being received – 1 in favor, 2 opposed, and 2 neutral. Written comments were distributed for Council review.

Councilman McEvers questioned why all the highway districts responded to the notice of public hearing. Mr. Stamsos responded that as a matter of policy the City sends each public hearing notice to all the highway districts. Councilman Hassell questioned the roadway width of Anton as it narrows as it approaches the intersection with 4th Street. Mr. Stamsos responded that the Engineering analysis reported that Anton Avenue is a fully developed roadway. Councilman Edinger noted the letters of support are all from family members and another letter from someone on Elm Street which is a great distance from the subject property

PUBLIC COMMENTS: George Mitchell, 7842 Mill Hollow Road, applicant, asked for approval of his request.

Motion by Edinger, seconded by Goodlander to approve the requested zone change from R-12 to R-17 for the property located at 2903 N. 4th Street and to adopt the Findings and Order of the Planning Commission.

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

APPOINTMENT – PLANNING COMMISSION AND ARTS COMMISSION:

Motion by Kennedy, seconded by McEvers to re-appoint Amy Evans to the Planning Commission and to appoint Sean Person to the Arts Commission. Motion carried.

ADMINISTRATOR’S REPORT: City Administrator Wendy Gabriel announced that there will not be a dog park on Tubbs Hill as reported on April Fools Day in the Coeur d’Alene Press. The “Care Day” project committee for the Centennial Trail is looking for volunteers to clean the trail. 4th Street improvements are out to bid with bid opening on April 28th. The Library will be closed on Easter Sunday. Alley trash and recycling pickup services will begin this Saturday. Census takers are currently canvassing the neighborhoods to confirm residences. The second Citizens Academy will be beginning soon so if anyone is interested in attending to please contact Christie Wood. The city has been a Tree City for over 25 years. North Idaho College’s first POST Academy started yesterday with special thanks to Chief Longo and NIC. The City launched their blog “Coeur d’Alene Today.” The blog can be accessed through the City’s web at www.cdavid.org. There will be a public workshop on April 14th at Fire Station #3 to discuss the issue of no parking on 15th Street in order to create a bike lane along 15th Street. Ed Wagner, Chief Building Official, was elected to serve as Chairman of the Idaho Building Board. The Library has created a book club express.

SPECIFICATIONS FOR CONSTRUCTION OF THE WASTEWATER

TREATMENT PLAN LOW PHOSPHOROUS PILOT FACILITY: Wastewater Superintendent Sid Fredrickson reviewed the specifications for the installation of a pilot facility. Motion by Hassell, seconded by Kennedy to approve the specifications and authorize staff to advertise for bids for the installation of the WWTP Low phosphorous pilot facility. Motion carried.

COPS GRANT 2009 – APPLICATION FOR FEDERAL FUNDS TO HIRE FOUR

POLICE OFFICERS: Police Chief Longo and Officer Tilson provided a power point presentation outlining the need for hiring the unfilled sworn police officer positions and the COPS Grant program that would allow him to hire 4 additional Police Officers using Federal Grant funding.

Councilman Edinger noted that there is a Prescription Turn-in on April 18th at the Coeur d’Alene High School from 10:00 a.m. to 2:00 p.m.

Motion by Hassell, seconded by Kennedy to authorize the Police Chief to submit a grant application under the COPS grant for four Police Patrol Officers. Motion carried.

ORDINANCE NO. 3357
COUNCIL BILL NO. 09-1009

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 36, TOWNSHIP 51, 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 1.16.110, COEUR D'ALENE MUNICIPAL CODE, BY DECLARING SUCH PROPERTY TO BE A PART OF PRECINCT #45; 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 Kennedy, seconded by McEvers to pass the first reading of Council Bill No. 09-1009.

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

Motion by Edinger, seconded by Goodlander to suspend the rules and to adopt Council Bill No. 09-1009 by its having had one reading by title only.

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

ADJOURNMENT: Motion by Kennedy, seconded by McEvers to recess this meeting to April 16th at 6:00 p.m. for the Annual Strategic Planning Session in the Library Community Room. Motion carried.

The meeting adjourned at 9:20 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk