

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL,
MAY 17, 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, May 17, 2005 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Loren Edinger)	Members of Council Present
Al Hassell)	
Woody McEvers)	
Deanna Goodlander)	
Dixie Reid)	

Ben Wolfinger)	Members of Council Absent
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CALL TO ORDER: The meeting was called to order by Mayor Bloem.

INVOCATION: The invocation was led by Reverend Tim Remington, Cataldo Lighthouse.

PLEDGE OF ALLEGIANCE: Councilman Goodlander led the pledge of allegiance.

PRESENTATION – MAYOR’S AWARD FOR EXCELLENCE IN QUALITY CHILDCARE: Mayor Bloem announced the following center recipients of this year’s Excellence in Childcare awards: North Idaho College, Little Folks, Loving Care Children’s Center. For the first time a home facility known as Clubhouse Kids also received the Mayor’s Excellence award. Mayor Bloem also announced that two awards were given for quality service to TLC and Christ the King Center. Kathy Kowalski received a special individual award for her work with the state legislature for childcare regulations.

PRESENTATION – CENTENNIAL TRAIL UPDATE: Parks Director, Doug Eastwood, presented the Centennial Trail improvement plan which relocates the current Class II trail from Northwest Boulevard and places it along the Spokane River frontage which also improves it to a Class I trail. The project is midway through the 60-day construction project. July 15th, at 12:00 noon, is the tentative date set for dedicating this improved portion of the Centennial Trail.

VANDALISM ON SOCCER FIELD: Doug Eastwood reported that someone had decided to take a joy ride on the soccer field and did about 1,200 feet of tire burn damage to the grass. Unfortunately, this weekend is the Hot Shot State tournament which is planned to be held on this particular field. He noted that although the field does not look

as pristine as he would like, it is playable. Unfortunately, this is a park that was constructed away from residential neighborhoods which makes it more prone to vandalism.

PUBLIC COMMENTS:

PEDESTRIAN/BICYCLE COMMITTEE:Co-chair Jennifer Wiltze, reported that the committee has a concern with the resort crosswalk and would like to have the City Council put a striped crosswalk at this area. The second area of concern was the Front Avenue crosswalk/curb cuts. She did note that they are aware that this area is part of this year's overlay project but would like to expedite that project.

LIBRARY FUND RAISER: Nancy Mueller along with students in her 3rd Grade class from Winton Elementary presented their community service project which was undertaken to help build the Children's Department of the new Library. The class decided to make quilts to be raffled off as a means of raising money for the Children's Department of the library. Nancy Mueller thanked Tracy Pesrshern, Kym Stan, Nicol Read, and Erin Harty for helping her class create the quilts.

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

1. Approval of minutes for May 3, 2005.
2. The Public Works Committee and General Services Committee are scheduled for May 23rd at 4:00 p.m.
3. RESOLUTION 05-037: 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 BID AWARD AND APPROVAL OF AN AGREEMENT WITH COLEMAN OIL COMPANY FOR FUEL MANAGEMENT SERVICES; BID AWARD AND APPROVAL OF AN AGREEMENT WITH GINNO CONSTRUCTION OF IDAHO, INC., FOR THE CHERRY HILL COMMUNITY PARK RESTROOM SHELTERS; APPROVAL OF CHANGE ORDERS #2 AND #3 WITH J.U.B. FOR WORK ON THE CENTENNIAL TRAIL PROJECT; BID AWARD AND APPROVAL OF A CONTRACT WITH RIVERLAND EXCAVATION, INC. FOR THE OPEN TRENCH SEWER REPLACEMENT PROJECT; BID AWARD AND APPROVAL OF A CONTRACT WITH GELCO SERVICES FOR THE CIPP SEWER REPLACEMENT PROJECT; APPROVAL OF AMENDMENT #2 TO THE AGREEMENT WITH PANHANDLE AREA COUNCIL FOR US BANK/SELTICE WAY PROJECT; APPROVAL OF AMENDMENT #1 TO THE AGREEMENT WITH HDR FOR WWTP PHASE 4B CONSTRUCTION ENGINEERING; APPROVAL OF AN AGREEMENT WITH AVISTA FOR SERVICES AT WWTP PHASE 4B; APPROVAL OF AN AGREEMENT WITH VERIZON FOR SERVICES AT WWTP PHASE 4B; APPROVAL OF S-2-05 – FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT FOR INDIANA ARMS CONDOMINIUMS; APPROVAL OF S-10-04 – FINAL PLAT APPROVAL, ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE/WARRANTY AGREEMENT FOR LAKE FOREST TOWNHOUSES; APPROVAL OF SS-14-04 EXTENSION OF

SUBDIVISION IMPROVEMENTS AGREEMENT, CAYMUS 1ST ADDITION AND APPROVAL OF AN AGREEMENT WITH THE COEUR D'ALENE SCHOOL DISTRICT #271 FOR THE EMPLOYMENT OF SCHOOL RESOURCE OFFICERS, DISTRICT'S FISCAL YEAR 2005 – 2006.

4. SS-17-04 – Final Plat Approval for Essley Commercial Park
5. Cemetery lot transfer from Leslie Mitson to Bonnie Mitson and Scott Mitson.
6. Cemetery lot repurchase from Beverly Roots
7. Approval of bills as submitted and on file in the City Clerks Office.
7. Setting of Public Hearings: ZC-4-05 at 1750 N Pinewood Ct. and ZC-5-05 at 626 W. Davidson for June 21, 2005.

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

DOWNTOWN NOISE: Council President Reid has received complaints from the Downtown area regarding a recent increase in noise levels from cars and skateboarders using Sherman Avenue, etc. Although the Police Reserve Officers don't start until after Memorial Day, she asked if the Police Dept. would send a patrol car to that area whenever possible.

TUBBS HILL CLEANUP: Councilman Edinger announced that the Tubbs Hill Foundation along with the help of a Starbucks' sponsorship successfully cleaned up Tubbs Hill this past Saturday. The event raised \$1,000 for their efforts. He also announced that the group is planning another cleanup for the weekend after the 4th of July.

LIBRARY FUNDRAISING: Councilman Goodlander announced this past weekend's Big Band Bash was very well attended. It raised about \$26,000 for the new Library. She thanked the volunteers who worked so hard on putting on this fund raising project.

APPOINTMENT – ARTS COMMISSION: Motion by Reid, seconded by Hassell to appoint Eden Moreland to the Arts Commission. Motion carried.

ORDINANCE NO. 3216
COUNCIL BILL NO. 05-1015

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 5.28.020 TO ELIMINATE THE EXEMPTION FOR MASSAGE FACILITY/THERAPIST LICENSING FOR A STUDENT CURRENTLY ENROLLED IN MASSAGE THERAPY SCHOOL ACCREDITED BY THE STATE OF WASHINGTON; 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 Goodlander, seconded by Hassell to pass the first reading of Council Bill No.

05-1015.

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

Motion by Edinger, seconded by Goodlander to suspend the rules and to adopt Council Bill No. 05-1015 by its having had one reading by title only.

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

ORDINANCE NO. 3217
COUNCIL BILL NO. 05-1013

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING 5.18.060 TO INCREASE THE LIABILITY INSURANCE REQUIREMENT TO ONE MILLION DOLLARS; AMENDING SECTION 5.44.070 TO INCREASE THE LIABILITY INSURANCE REQUIREMENT TO ONE MILLION DOLLARS, AMENDING SECTION 10.60.100 TO INCLUDE ESTIMATED NUMBER OF SPECTATORS AT AN EVENT; AND ADDING SECTION 10.60.105 TO REQUIRE A ONE MILLION DOLLAR LIABILITY INSURANCE POLICY; 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 Goodlander, seconded by Hassell to pass the first reading of Council No. 05-1013.

DICUSSION: Councilman McEvers asked why the three categories do not include parades. Judy House responded that it depends on the level and type of parade into which particular category the parade would fit. Mayor Bloem recommended staff review and make any necessary amendments to the City Park regulations since Ironman uses the City Park past 10:00 p.m.

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

Motion by Hassell, seconded by Goodlander to suspend the rules and to adopt Council Bill No. 05-1013 by its having had one reading by title only.

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

RESOLUTION NO. 05-038

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ANNEXATION AGREEMENT WITH RIVERSTONE WEST LLC AND CPM DEVELOPMENT CORP.

Motion by Reid, seconded by McEvers to adopt Resolution 05-038.

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

ORDINANCE NO. 3218
COUNCIL BILL NO. 05-1017

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 10, TOWNSHIP 50, NORTH, RANGE 4 WEST, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; CHANGING THE ZONING MAPS OF THE CITY OF COEUR D'ALENE; AMENDING SECTION 1.16.170, COEUR D'ALENE MUNICIPAL CODE, BY DECLARING SUCH PROPERTY TO BE A PART OF PRECINCT #51; 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 Reid, seconded by Edinger to pass the first reading of Council Bill No. 05-1017.

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

Motion by Edinger, seconded by Hassell to suspend the rules and to adopt Council Bill No. 05-1017 by its having had one reading by title only.

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

PUBLIC HEARING – V-05-2 – VACATION OF PORTIONS OF 7TH STREET AND MULLAN AVENUE: Mayor Bloem read the rules of order for this public hearing. Chris Bates, Project Manager, gave the staff report.

Mr. Bates reported that the applicant, the City of Coeur d'Alene, is requesting a vacation of right-of-way for a portion of 7th St. between Front and Mullan Ave., and vacation of right-of-way for a portion of Mullan Avenue between 7th and 8th Streets. The purpose of the vacation is for the proposed library site.

He reported that the vacation of these portions of 7th and Mullan right-of-way will have a financial impact on the City due to the eventual reconfiguration of 8th Street between Mullan Avenue and Front Street. He noted that improvements to both Front Ave. and 8th Street would have to occur with the construction of the Library to accommodate the additional traffic volumes. He noted that parking on Front Avenue and 8th Street would probably have to be eliminated when the Library is constructed.

He reported that 53 notices of this public hearing were mailed on May 2, 2005, with 20 responses being received – 11 in favor, 8 opposed and 1 neutral. Written comments were distributed for Council review.

Mr. Bates recommended that if the Council approves the vacation of the rights-of-way that the property revert to the adjoining property owner to the west and south which is the City of Coeur d'Alene.

PUBLIC COMMENTS: George Kahn, 701 Front, a McEuen Towers Homeowner Association member, voiced that his main concern is increased traffic as a result of the vacation as well as his concern that the main entrance to the Library is directly across the street from their parking lot entrance which would create a more difficult ingress, egress at their facility. He is hoping that the City will create access from Sherman Avenue to 8th Street. Another concern he has is that their multi-purpose room is on the lower floor of their building and he believes that the Library site would block their view. He requested that the Library be moved 30 feet east and extend the green space from McEuen Field to the Library building. Betty McLain, 100 E. Cd'A Ave., is in support of the vacation of rights-of-way and the new Library building site. She announced that since she is in her 80's she would appreciate removing the intersection at 7th and Front so she can more easily cross the intersection to McEuen Park. Bette Ammon, Library Director, read a letter from Story Time moms, who spoke in support of the vacation. Peter Cooper, 1671 E. Miles, Hayden, stated that the City needs a street car system in the City and that the Library should be moved east to accommodate a streetcar system on 7th and Mullan. Bud Ford, 701 Front, disagrees with the vacation of 7th and Mullan. Front Street is very narrow and with parking on both sides it is very difficult to get one car down the street. He urged the Council to relocate the Library. He believes that a pedestrian overpass from the Library's second floor to McEuen field would solve the pedestrian crossing issue. Judy Messina, 3404 E. Mullan Trail Road, a member of the Library Board, spoke in support of closing 7th and Mullan. Nancy White, 509 Military Drive, spoke in support of the vacation of 7th and Mullan. Mike Kennedy, 8350 Marabou Drive, Hayden, spoke in support of the vacation of right-of-way. Tony Berns, Executive Director of Lake City Development Corporation, spoke in support of the vacation. He noted that LCDC's Board's Strategic Plan calls for removal of roadways on the east end of McEuen Field. Robert Cliff, 1301 E. Lakeshore, spoke in support of vacating the rights-of-way. Kevin Jester, 316 Forest Drive, the architect who designed the rendering of the proposed Library site, spoke in support of the vacation of right-of-way. Nancy Mueller, 921 Front Avenue, spoke in support of the vacation.

MOTION: Motion by Reid, seconded by Goodlander to approve the vacation of 7th Street and Mullan Avenue rights-of-way as requested and direct that the vacated property be reverted back to the City of Coeur d'Alene.

DISCUSSION: Councilman Edinger asked the Police Chief in regards to the intersection at 7th and Front and the curve around Mullan Ave. if there had been any pedestrian-vehicle accidents. Chief Carpenter responded that she could not recall any. Councilman Goodlander asked if Police officers observe a lot of vehicle speeding on this section of roadway. Chief Carpenter noted that she has observed speeding on this section of roadway.

Councilman Edinger noted that the newspaper stated that he was opposed to closing Mullan from 7th and this is incorrect. He noted that he is opposed to the vacation of 7th Street from Front to City Hall which would cut off access to the parking in front of City Hall and to parking access for McEuen Field. He believes it is a public street and belongs to the public. He believes that 7th Street should remain open. He noted that the cost of reconfiguring the traffic could run between \$50,000 - \$100,000. This does not include the cost of reconfiguring the City Hall entrance and parking lot. He noted that the parking area south of City Hall was suggested to be for boat parking. The area south of City Hall is also used for storing the snow removal from the downtown streets in the winter. He believes that the Council never agreed to vacating 7th and Mullan, but only agreed to the M& O if the Library foundation raised the money for a new facility. In conclusion he is in favor of vacating Mullan but not 7th Street.

Councilman Goodlander recalled that the original discussion was placing the Library at the 8th street side of the lot but the views would not be as good as if it were placed on the west side of the lot. She believes that, like the street is a public piece of property, so is the Library. She also believes that moving the Library on the west side of the site is best for the kids without having them cross the street to McEuen Field. She also commented that by leaving 7th street we would be creating a race way from Sherman to south of City Hall. She also noted that part of the construction process could include improvements to the roadway. She would prefer to see plazas instead of streets in this location.

Councilman Hassell noted that the vacation covers a large piece of property which eliminates the front of City Hall as well as City Hall Parking, loss of street parking, loss of the view corridor along 8th Street. He does not object to the Library going on the site purchased, but believes that it is premature to vacate the right-of-way at this time.

Council President Reid noted that the City has oversight of the Library, the Building will be owned by the City, and the vacation of right-of-way will be vacating a public street for a different type of public usage. She noted that the citizens passed the Library bond for part of the cost of building a new Library. She wants to situate the Library so it does not interfere with McEuen Towers homeowners and make it more accessible to McEuen Field.

Councilman McEvers stated that he was originally not in favor of placing the Library downtown; however, he believes he needs to support the Library but would ask that the McEuen Towers homeowners concerns be addressed.

Councilman Edinger commented that the view and the access to McEuen field would still be there it would just be across the street. He noted that children cross the intersection all the time to get to McEuen Field and as Chief Carpenter stated, there have not been any auto/pedestrian accidents at this location.

Mayor Bloem disagreed that the vacation is premature, she reminded the Council that the right-of-way property goes back to the City, this is just adjusting our priorities. She believes that this is public space and this gives the City the opportunity to look at this site to be developed to its best potential possible.

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

EXECUTIVE SESSION: Motion by Reid, seconded by McEvers to enter into Executive Session as provided by Idaho Code 67-2345 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: Edinger, Aye; Goodlander, Aye; Hassell, Aye; McEvers, Aye; Reid, Aye.
Motion carried.

The session began at 7:50 p.m. Members present were the Mayor, City Council, City Administrator and City Attorney.

Matters discussed were those of property acquisition and pending litigation.

No action was taken and the Council returned to regular session at 8:17 p.m.

ADJOURNMENT: Motion by Edinger, seconded by McEvers, that there being no further business, this meeting is adjourned. Motion carried.

The meeting adjourned at 8:17 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk