

**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 18, 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, May 18, 2004 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

Ben Wolfinger)	Members of Council Absent
Deanna Goodlander)	

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

INVOCATION was led by Reverend Ron Hunter, Church of the Nazarene.

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

PROCLAMATION - SAFETY RESTRAINT AWARENESS WEEKS: On behalf of Mayor Bloem, Council President Reid read the proclamation designating May 17th through June 5th as Safety Restraint Awareness Weeks. Police Officer Tilson accepted the proclamation.

PRESENTATION – WASTEWATER DEPARTMENT ANNUAL REPORT: Sid Fredrickson, Wastewater Superintendent, reviewed the activities proposed for the Wastewater Utility Department for the coming years. He explained the Clean Water Act of 1972 from why it was originated to today's current regulations. He noted that EPA adopted the "Gold" Book Standards for water quality and in order for any state to receive any federal funding they must adopt the "Gold" Book Standards or more restrictive standards. Idaho has elected to adopt the "Gold" Book Standards. He explained the significance of the 303d List and the implications for any body of water that is added to this list. He reviewed several future questions and possible actions that need to be considered to maintain water quality standards.

FREQUENTLY ASKED QUESTION: What precautions is the City taking to prevent the same type of wastewater treatment plant accident happening here that recently occurred in Spokane? Sid Fredrickson explained that the two treatment plant tanks are different. In Spokane, there is a built-in over-flow mechanism and a gas relief valve both of these mechanisms failed. This could happen with the City's treatment plant; however,

our tanks have a seal which would blow and the overflow would end up on the ground but would not flow into the river.

PUBLIC COMMENTS:

USE OF RESIDENCE AS ADULT OFFENDERS FACILITY: Bill McCrory, 6065 N. Harcourt Dr., spoke in opposition to having the City not enforce zoning regulations by allowing a property owner in Coeur d'Alene Place, specifically 5918 Belleville Dr., to use their home as an adult offenders facility. Tom Weadick, 5998 Bellville Dr., spoke in opposition to having felons living next door to his family. He requested that the City enforce the zoning regulations and prohibit such activity in an R-8 zone and also requested the City seek and secure facilities for felons to transition back into society. He noted that the City now has 3 homes in Coeur d'Alene that house felons. Teresa Weadick, 5998 Belleville Dr., believes that by allowing this type of group housing, the City makes the entire city vulnerable to this type of housing. She believes that her neighborhood is simply not targeting one felon renting a home, but the fact that the subject house has seen several felons leave and new felons move into the home. Oscar Pagan, 6023 Courcelle Pkwy, voiced his concern that these felons have drug problems and by placing four of them together, they are going to conspire. There has already been late night activity at this house with frequent visitors coming and going. He believes that a serious situation will arise out of this scenario. Elizabeth McCrory, 6065 N. Harcourt Dr., stated that although she believes that these probationers and parolees need a second chance with society, she does not believe that this type of housing should be located within the City's residential zones. Scott Oden, 6047 Belleville Dr., was shocked to find out that two houses down from his home, one of the homeowners turned his home into a felon halfway house. He believes that the Department of Probation and Parole has refused to acknowledge that this home is now classified as a group home. The developers, Kootenai-Greenstone, have been very passive about this situation. He requested that the City not allow this group housing, and he wants the City to look at HUD laws and the laws when it comes to convicted felons. Bruce Hatch, 490 E. Wyoming, Hayden, Idaho, believes that this type of home runs down the value of the property. He noted that the owner who has rented out this half-way house has purchased several homes for this purpose. He does not believe that these homes belong in residential areas. Roy Wise, 11198 N. Maple, Hayden Lake, stated that he agrees with all the comments made by the Coeur d'Alene Place residents. He noted that the precedent that the City sets for this type of housing will set the standard for other area cities and the county. He sympathized with the individuals trying to get their lives back together, but believes the City needs to find more appropriate locations for this type of housing than residential zones. Councilman Edinger noted that he was at the April meeting with Greenstone and Probation and Parole. He stated that Greenstone explained that their covenants do not pertain to this type of facility. He does feel it seems strange, though, that a half-way house can be established without the neighbors having a voice about this type of housing. His concern is with either the County or State Parole people that they should inform the neighborhood prior to establishing these types of half-way houses. Police Chief Carpenter noted that the State is required to notify the local police if a violent offender is released; however, they are not notified of other types of felon releases. Council President Reid thanked everyone who testified this evening.

Motion: Motion by Reid, seconded by Edinger that this issue be referred to the General Services Committee and directed staff to obtain further information from the State and information from the State Parole Board to see how this situation can be resolved.

Discussion: Councilman Hassell would like to get a policy statement from the State Parole Board on releasing felons into this type of housing. He noted his concern is that this seems to be a type of profit-making venture since the same individual is purchasing and renting houses for this purpose. Councilman McEvers, confirmed that the City does need to do something, and we will do something, but do need to go through the process. Mr. Hatch did confirm that the same gentleman has purchased and opened four of this type of half-way houses.

Motion carried.

Mayor Bloem commended the strength of this neighborhood and expressed her appreciation for them coming tonight.

CONSENT CALENDAR: Motion by Reid, seconded by McEvers to approve the Consent Calendar as presented with the correction to the minutes.

1. Approval of minutes for May 4, 2004.
2. The Public Works Committee and General Services Committee meetings are scheduled for May 24, 2004 at 4:00 p.m.
3. RESOLUTION 04-060: 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 AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH TIMOTHY TROUT FOR CODE ENFORCEMENT SERVICES; APPROVAL OF AN AGREEMENT WITH MR. AUCTION TO CONDUCT THE CITY'S ANNUAL SURPLUS AUCTION; APPROVAL OF AN AGREEMENT WITH FOSS MARITIME FOR THE REMOVAL OF THE BREAKWATER AT HARBOR CENTER; APPROVAL OF SS-7-04 FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT FOR BOSANKO ADDITION AND APPROVAL OF S-1-02 FINAL PLAT APPROVAL, ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE/WARRANTY AGREEMENT FOR ECHO GLENN 2ND ADDITION.
4. RESOLUTION 04-061 – A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR INSTALLATION OF A SPRINKLER SYSTEM AND PLANTING OF GRASS SEED AT THE INTERSECTION OF I-90/US95 WITHIN THE CITY LIMITS, WITH THE IDAHO TRANSPORTATION DEPARTMENT.
5. Approval of bid specifications for re-roof of Streets/Water Building.
6. Approval of bills as submitted.
7. Setting of public hearings for ZC-3-04/PUD-3-04/S-2-04 and ZC-4-04 for June 15, 2004
8. Acceptance of Rights-of-Way acquisition for Gov't Way Project, Phase 2.
9. Setting of public hearing for O-1-04 for July 6, 2004.

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

GRANDDAUGHTER WELCOMED: Council President Reid welcomed the newest resident of citizen into Coeur d'Alene, her granddaughter who was born yesterday, May 17, 2004.

FIRE DEPARTMENT COMMENDED: Councilman Edinger read a letter addressed to Chief Gabriel from the managers of the Cd'A Manor apartments who expressed their thanks for the department's response to the recent fire.

CONFERENCE ATTENDANCE: Council President Reid announced that she recently represented the City at a 2-day conference conducted by the National Alliance of Model State Drug Laws.

APPOINTMENT – PERSONNEL APPEALS BOARD and CIVIL SERVICE

COMMISSION: Motion by Edinger, seconded by Hassell to appoint Sharmon Schmitt and Ted R. Lloyd to the Personnel Appeals Board and Sharmon Schmitt to the Civil Service Commission. Motion carried.

AIC VOTING DELEGATE AND ALTERNATE: Motion by Reid, seconded by McEvers to appoint Wolfinger as voting delegate to this year's AIC Spring Conference. Motion carried.

EXECUTIVE TEAM REPORT: Sid Fredrickson, representing the Executive Team, announced that the volunteer Citizens Advisory Committee on Stormwater, headed up by Tom Messina, is still active and doing great things. A public hearing has been scheduled for June 1st. The Ad Hoc Youth Committee met on May 13th to discuss their plan of action for creating a Youth Council. Eleven of the 13 students selected, attended this meeting, where they talked about the issues that should be raised when creating by-laws, and how often the Ad Hoc Committee should meet. The next meeting is May 27th at 5:00 p.m., in Council Chambers. The Recreation Department has concluded registration for adult summer softball. There are 114 teams registered and over 1,300 players. Tonight will be the first night using the new lights at Ramsey Field # 4.

REMOVAL OF 5 TREES IN CEMETERY: Motion by Hassell, seconded by Edinger to authorize staff to remove and replace five dead trees in the cemetery. Motion carried.

TELEVISION CABLE ACCESS: Motion by Hassell, seconded by Reid to authorize staff to solicit proposals for contractual service for the television cable access transmission by the City. He noted that the reason for this coming up at this time is to allow time for staff to purchase the necessary equipment and contract services so the City will be up and running January 1st. Motion carried.

ORDINANCE NO. 3172

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO BY AMENDING SECTION 8.25.010 TO REDEFINE THE EASTERN MOST BOUNDARY OF THE WATERCRAFT WITHIN 200' OF SHORELINE RESTRICTION AS THE EAST PROPERTY LINE OF THE JEWETT

HOUSE AND REDIFINING THE WESTERN MOST BOUNDARY OF THE RESTRICTION AS THE EAST RIGHT OF WAY OF HUBBARD STREET EXTENDED; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWTH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF.

Motion by Hassell, seconded by Edinger to pass the first reading of Ordinance No. 3172.

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

Motion by Edinger, seconded by Hassell to suspend the rules and to adopt Ordinance No. 3172 by its having had one reading by title only.

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

ORDINANCE NO. 3173

AN ORDINANCE OF THE CITY OF COUER D'ALNEE, VACATING A PORTION OF THE BEAUTY PARK SUBDIVISION, SITUATED IN THE N ½ OF THE NORTHWEST ¼ OF SECTION 6, TOWNSHIP 50 NORTH, RANGE 3 WEST, BOISE MERIDIAN, AND RECORDED IN BOOK "C" OF PLATS, PAGES 56, RECORDS OF KOOTENAI COUNTY, IDAHO, GENERALLY DESCRIBED AS BLOCK 5 AND THE ADJOINING UNDEVELOPED RIGHTS-OF-WAY OF 20TH STREET AND NEBRASKA AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by Edinger to pass the first reading of Ordinance No. 3173.

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

Motion by Hassell, seconded by Reid to suspend the rules and to adopt Ordinance No. 3173 by its having had one reading by title only.

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

ORDINANCE NO. 3174

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, DELCARING THE COST OF ACQUIRING, CONSTRUCTING, AND INSTALLING CERTAIN ROADWAY IMPROVEMENTS AND WATER AND SEWER SYTEM IMPROVEMENTS; AUTHORIZING THE ISSUANCE AND SALE OF A SINGLE LOCAL IMPROVEMENT DISTRICT NO. 148 BOND IN THE AGGREGATE PRINCIPAL AMOUNT OF \$182,431.23; PROVIDING FOR THE DATE, FORM, MATURITY AND DESIGNATION OF SAID BOND; FIXING THE RATE OF INTEREST AND MANNER OF REPAYMENT FO SAID BOND; PROVIDING FOR

REGISTRATION AND AUTHENTICATION OF SAID BOND; SETTING FORTH CERTAIN COVENANTS RELATING TO FEDERAL TAX LAW; PROVIDING FOR THE EFFECTIVE DATE HEREOF; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Motion by Reid, seconded by Edinger to pass the first reading of Ordinance No. 3174.

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

Motion by Reid, seconded by Edinger to suspend the rules and to adopt Ordinance No. 3174 by its having had one reading by title only.

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

SUMMARY OF ORDINANCE NO. 3174: Motion by Reid, seconded by Edinger to adopt the Summary of Ordinance o. 3174 for publication purposes. ROLL CALL: Goodlander, Absent; Wolfinger, Absent; McEvers, Aye; Reid, Aye; Edinger, Aye; Hassell, Aye. Motion carried.

PUBLIC HEARING – ZC-2-04 – ZONE CHANGE AT 3104 N. GOV'T WAY: 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 Arthur and Roberta Nelmar, the location as a 30,240 sq. ft. parcel directly east of Coeur d'Alene Muffler at 3104 Government Way, and the reason for the request as a zone change from R-12- to C-17.

Mr. Stamsos went on to give the staff analyses for land use and neighborhood characteristics, comprehensive plan, zoning, traffic, and utilities. He reported on April 13, 2004, the Planning Commission recommended approval of the requested zone change by a vote of 4-0.

Mr. Stamsos reported that 154 notices of tonight's public hearing were mailed on April 30, 2004 with a total of 3 responses being received; all in favor.

PUBLIC COMMENTS: Arthur Nelmar, applicant, requested the zone change so the muffler shop can be rebuilt further back onto the lot as a result of the widening of Government Way.

Motion by Edinger, seconded by McEvers to approve the requested zone change from R-12 to C-17 and to adopt the Findings and Order of the Planning Commission.

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

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

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

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

No action was taken and the Council returned to regular session at 8:10 p.m.

ADJOURNMENT: Motion by Hassell, seconded by Reid that, there being no further business, this meeting be adjourned. Motion carried.

The meeting adjourned at 8:37 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk