

**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 20, 2003**

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 20, 2003 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Woody McEvers	)	Members of Council Present
Loren Edinger	)	
Dixie Reid	)	
Chris Copstead	)	
Deanna Goodlander	)	
Ben Wolfinger	)	

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

**INVOCATION** was led by Pastor Neil Nelson, New Beginnings Church.

**PLEDGE OF ALLEGIANCE:** Council President led the pledge of allegiance.

**VOTE TODAY:** Mayor Bloem reminded all residents that they should exercise their right and vote today in the school election.

**PRESENTATION - FINANCE DEPARTMENT ANNUAL REPORT:** Finance Director, Troy Tymesen, presented the mission of the Finance Department, the organizational chart, and the functions of the department. Deputy Finance Director, Vonnie Jensen, introduced the new financial software that the City is converting to for utility billing, A/P, A/R, G/L and payroll to.

**PRESENTATION – WASTEWATER DEPARTMENT ANNUAL REPORT:** Sid Fredrickson, Wastewater Superintendent, reported on the different operations of the Wastewater Treatment Plant, project management and the compost facility. He also outlined the proposed plant expansion plan for the next 3 years and the estimated plant capacity at the end of 20 years. He presented the work completed so far on the City's future Stormwater system.

**PUBLIC COMMENTS:**

**HILLSIDE MORATORIUM:** David Taylor, 3502 N. 12<sup>th</sup>, wanted to know if the City has heard any more on the moratorium on the hillside development from Fernan Village. Mayor Acuff noted that the Fernan Village has placed a moratorium on building in their village.

**ABANDONED VEHICLES:** David Tanner, 2211 N. 9<sup>th</sup>, voiced his concern regarding enforcing abandoned or inoperable vehicle regulations. Motion by Copstead, seconded by Reid to bring this item forward. Motion carried. Code Enforcement Officer, Tim Trout, reported that the reason for the code change is to narrow down what inoperative means.

#### ORDINANCE NO. 3111

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AS FOLLOWS: AMENDING SECTION 8.28.010 TO CHANGE THE TERM INOPERATIVE TO INOPERABLE AND REPLACING THE WORD AND WITH AND/OR IN APPROPRIATE AREAS; AMENDING SECTION 8.28.020 AMENDING THE DEFINITION FOR HIGHWAY AND TO PROVIDE FOR A DEFINITION FOR INOPERABLE AND SECTION 8.28.030 TO PROVIDE FOR EXEMPTIONS FOR RECREATIONAL VEHICLES AND AMENDING SECTION 8.28.040 TO CHANGE THE TERM INOPERATIVE TO INOPERABLE, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by Copstead to pass the first reading of Ordinance No. 3111.

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

Motion by Edinger, seconded by Copstead to suspend the rules and to adopt Ordinance No. 3111 by its having had one reading by title only.

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

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

1. Approval of minutes for May 6, 2003.
2. The General Services Committee and Public Works Committee meetings are scheduled for May 27, 2003 at 4:00 p.m.
3. RESOLUTION 03-050: 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 AGREEMENT WITH SCOTT CAMPBELL, FOR CARVING A STUMP IN FOREST CEMETERY INTO A DOVE ON A CROSS WITH FLOWERS & VINES AND APPROVAL OF A FINAL PLAT AND SUBDIVISION IMPROVEMENT WITH SECURITY FOR ECHO GLEN 1<sup>ST</sup> ADDITION.
4. RESOLUTION 03-051: A RESOLUTION OF CITY OF COEUR D'ALENE, OF KOOTENAI COUNTY, IDAHO, INITIATING THE FORMATION OF LOCAL IMPROVEMENT DISTRICT NO. 148, DESCRIBING THE PROPOSED

BOUNDARIES; DESCRIBING GENERALLY THE IMPROVEMENTS TO BE CONSTRUCTED IN THE PROPOSED CITY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

5. RESOLUTION 03-052: A RESOLUTION OF INTENTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO TO CREATE LOCAL IMPROVEMENT DISTRICT NO. 148; DESCRIBING THE BOUNDARIES OF THE PROPOSED DISTRICT AND THE PROPERTY PROPOSED TO BE ASSESSED; GENERALLY DESCRIBING THE IMPROVEMENTS PROPOSED TO BE CONSTRUCTED; STATING THE PORTION OF THE TOTAL COST WHICH WILL BE PAID BY THE LEVY OF ASSESSMENTS AND THAT WHICH WILL BE PAID FOR FROM OTHER SOURCES; DESCRIBING THE METHOD OF ASSESSMENT; STATING THE TIME AND PLACE WHEN AND WHERE PROTESTS MAY BE FILED AND WHEN AND WHERE A PUBLIC HEARING WILL BE HELD TO CONSIDER ANY SUCH PROTESTS; PROVIDING FOR THE EFFECTIVE DATE OF THIS RESOLUTION; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO
6. RESOLUTION 03-053: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING A POLICY FOR WHAT TYPES OF WEB SITES CAN BE LINKED TO THE CITY'S WEB SITE.
7. Approval of specifications and authorize staff to advertise for bids for the Clayton Avenue Well Pumphouse and Water Line
8. Approval of bills as submitted and on file in the City Clerk's Office.
9. SS-3-03 – Final Plat Approval of Amanda 1<sup>st</sup> Addition
10. Approval of a Fire training burn agreement at 201 Locust Avenue with the Seventh Day Adventist Church.

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

**PUBLIC HEARING –ZC-1-03 – ZONE CHANGE AT THE NORTHEAST CORNER OF GOV'T WAY AND NEIDER AVE.:** Mayor Bloem read the rules of order for this public hearing. No Councilman declared a conflict of interest. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos, gave the applicant's name as Carlsen Development Associates, the location as +/- 12.94 acre parcel at the northeast corner of Gov't Way and Neider Avenue and the reason for the request as a zone change from R-12 to C-17.

He went on to give the staff analyses of land use/neighborhood characteristics, zoning, utilities and traffic-streets. He reported that the Planning Commission recommended approval of this zone change on April 8, 2003, with the follow proposed conditions:

1. Preserve and protect all exiting trees 6 inches dbh, to the greatest extent possible.
2. A minimum 50-foot wide landscaped buffer on the north and east property lines, where subject property abuts a residential use. Buffering shall include a 6-foot high 50% sight-obscuring fence and landscaping consisting of a mix of evergreen

- and deciduous shrubs and trees that will reach 75% coverage of the buffer area within 3 years.
3. The Ordinance adopting the re-zone will only be published upon notification that the sale of Carlson Development has been completed. Developer shall have until September 30, 2003 at 5:00 p.m. to finalize the sale or the Council's conditional authorization to re-zone the property shall expire. Developer may be allowed to extend the time for completion of sale for an additional (3) three-month period upon written request to and approval by the City Council.
  4. An 8-foot high CMU sound walls on the east side of the building by the delivery area.
  5. If the traffic study that is being done for the proposed use warrants a traffic signal at 4<sup>th</sup> Street and Neider Avenue, the cost should be paid by the applicant.

He reported that 166 notices of this public hearing were mailed on May 2, 2003 with 29 responses being received - 18 in favor, 5 opposed, and 3 neutral. Two petitions one with 43 names and one with 24 names opposing the zone change were also submitted. Written comments were distributed for Council review.

**PUBLIC COMMENTS:** Dave Carlson, 1273 N. Middleton, Spokane WA, spoke as applicant to the requested zone change. He noted that the store has a structured delivery system in order to operate efficiently and they do have a plan to mitigate the noise issues for the neighborhood. We have redesigned the parking area and the delivery truck access to minimize the impact to the residences on 4<sup>th</sup> Street. A traffic study has been completed and we are expecting to address the results of that study. Smokey Doucet, 228 Knotty Pine, spoke in opposition to this zone change for Costco. Dave Carlson responded that we have explored 12 different locations in Coeur d'Alene and this is the number one site selected due to it have all the requirements for placing the store at this location. Bill Jones, W. 202 Sunset Avenue spoke in favor of the proposed zone change and asked the Council to following the recommendations of the Planning Commission. Daniel Bruck from BRC Acoustics, hired by Costco to do an analysis of the noise created by the store at this location, determined that with appropriate mitigation that the operation would be below the noise decibel level required by City code. Suggested mitigation items included a 10' delivery truck wall, solid wall fencing, and using the compactor during daytime hours. Peter Kahn, 999 Lake Drive, Spokane, Real Estate Development for Costco, displayed illustrated drawings of the proposed Costco building including details of the loading dock. He also reiterated that the construction of this building will fall within the sound levels as required by the City Code. David Taylor, supports the proposed zone change but requested that Lunceford Lane be included in the traffic study since he feels it will now become a collector street. Pat Acuff, 112 Hazelwood Drive, spoke in support the proposed zone change. Prentis Kinley, 2620 4<sup>th</sup> Street, spoke in opposition to the zone change due to traffic flow on 4<sup>th</sup> Street. Dave Carlsen rebutted that Costco will add to the tax base, create greater than 150 jobs, and help keep City dollars in Coeur d'Alene. He feels that the development is consistent with many of the goals and objects outlined in the Comprehensive Plan and Costco is known to be a good neighbor.

Motion by Reid, seconded by Wolfinger to approve the zone change as requested, to adopt the Findings and Order of the Planning Commission and to include the following conditions: That as many trees as possible be preserved, and; That adequate buffer zones be constructed. Motion by Goodlander, seconded by Edinger to include Condition No. 3 from the Planning Commission in the motion. ROLL CALL: McEvers, No; Reid, No; Goodlander, Aye; Edinger, Aye; Wolfinger, No; Copstead, No. Motion failed. ROLL CALL: Copstead, No; Edinger, Aye; Goodlander, Aye; McEvers, Aye; Reid, Aye; Wolfinger, Aye. Motion carried.

RECESS: Mayor Bloem called for a recess at 9:00 p.m. The meeting reconvened at 9:14 p.m.

**PUBLIC HEARING – AMENDING SOLID WASTE COLLECTION FEES AND USED OF WHEELED CARTS:** Mayor Bloem read the rules of order for this public hearing. Troy Tymesen, Finance Director, gave the staff report.

Mr. Tymesen noted that the City entered into a 12-year Solid Waste System Participation Agreement with Kootenai County on July 1, 2000. This agreement is designed to limit the City's responsibility for solid waste collection and curbside recycling programs and to allow the county to perform solid waste functions. The County then entered into an agreement with Waste Management of Idaho. The Sanitation Fund's expenditures have exceeded its revenues for seven of the past ten years. Excess retained earnings, which have now been exhausted, made it possible for expenses to exceed revenues. This year, the contract with Waste Management includes annual increases for July 1<sup>st</sup>.

Mr. Tymesen outlined the proposed amendments to the fee schedule for both residential users and commercial users. He also reported that he is requesting that the City convert all residential accounts to wheeled carts that would make the City cleaner and quieter. The final proposal is to add a 64-gallon wheeled cart to the type of carts available to residents.

**PUBLIC COMMENTS:** Ken Kimball, Waste Management of Idaho, reported that Waste Management is proposing the conversion to wheeled carts. The cost of the carts is approximately \$50.00 and this cost has been amortized over the rest of the contract period. Dave Taylor, 3502 N. 12<sup>th</sup>, voiced his concern of a 40% increase for him going from a 32-gallon can to a 32-gallon cart. Bill Tilden, 3404 Fernan Hill Road, spoke in opposition to wheeled carts and he voiced his concern over the cost quoted by Waste Management for the wheeled carts. He agrees that the basic rates need to be raised but he does not like the inability to choose trash cans. Steve Roberge, 6488 N. 4<sup>th</sup> Street, Dalton Gardens, noted that Waste Management is willing to help people in Mr. Tilden's situation. He noted that the advantages of going to wheeled carts is that the City will be cleaner, maintenance is that Waste Management will replace carts when broken or damaged, the carts roll as opposed to lifting cans. On Waste Management's side, it will offer employee safety for his staff.

Motion by Copstead, seconded by Reid to approve the proposed increase in solid waste collection fees for residential and commercial users, the use of wheeled carts, the addition of the 64-gallon cart as an option for residential use, and direct staff to prepare the necessary resolution to reflect these rate changes. ROLL CALL: McEvers, Aye; Reid, Aye; Goodlander, No; Edinger, Aye; Wolfinger, Aye; Copstead, Aye. Motion carried.

**SPECIAL NEEDS TALENT SHOW:** Councilman Copstead announced that on June 4<sup>th</sup> at 5:30 p.m. there will be a planning meeting for anyone who is interested in the Coeur d'Alene Bicycle Plan. He noted he had attended the 2<sup>nd</sup> Annual Talent Show last Saturday. 250-300 people attended this event which raised over \$2,000. The program consisted of 22 performances ranging in age from 4 years to 45 years. Artist Jeff May completed the carving of the tree stump in the Park. The Summer Arts Program for area youth starts June 17<sup>th</sup> through July 17<sup>th</sup> to be held at the First Presbyterian Church.

**RE-APPOINTMENTS – PLANNING COMMISSION:** Motion by Copstead, seconded by Wolfinger to re-appoint John Bruning, Heather Bowlby and Mary Souza to the Planning Commission. Motion carried.

**EXECUTIVE TEAM REPORT:** Executive Team representative, Sid Fredrickson, announced that the Fire and Police Department staff hosted a class on terrorism at NIC. Fire crew responded to a structure fire at 4000 block of Laurel Ave. The Police Dept will receive a Byrne Grant of \$56,000 for continuing our program on crime analysis. North Idaho law enforcement agencies will be doing a “Click it , Don’t risk it” campaign beginning May 19th through June 1st. The emphasis for the patrol in this campaign for seat belt safety.

#### RESOLUTION NO. 03-054

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR USE OF THE BMX TRACK AT THE ACTIVE CHERRY HILL PARK, WITH THE BMX ASSOCIATION.

Motion by Reid, seconded by Goodlander to adopt Resolution 03-054.

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

**THE WHOLE ENCHILADA CONCESSION AGREEMENT:** Motion by Copstead, seconded by Reid to deny the Jodi Powell’s request for a permit agreement to have a mobile food concession truck on the corner of Lakeside and Sherman Avenues. Motion carried.

ORDINANCE NO. 3112

AN ORDINANCE AMENDING SECTIONS 2.36.051, 2.36.055; 2.44.010, 2.44.015, 2.48.020; 2.48.030; 2.52.010; 2.52.020; 2.52.030; 2.68.020; 2.68.040; 2.84.020; 2.84.040; 2.86.010; 2.86.040; 2.88.010; 2.88.020; 2.94.020; 2.94.060; 2.96.010; 2.96.020; 6.05.215(G); 15.24.030; and 15.24.035; OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO PROVIDE FOR CONSISTENT APPOINTMENT AND REMOVAL PROCEDURES TO PERMANENT COMMITTEES, COMMISSIONS, AND BOARDS; TO PROVIDE CONSISTENT REFERENCES TO STUDENT REPRESENTATIVES; AND TO PROVIDE THAT MEMBERS COMPLY WITH ALL LAWS, CITY POLICIES, PROCEDURES, AND REGULATIONS; TO REPEAL MUNICIPAL CODE SECTIONS 2.44.050 AND 2.96.070; AND TO REPEAL MUNICIPAL CODE CHAPTERS 2.56, 2.90, AND 2.92; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF .

Motion by Copstead, seconded by Wolfinger to pass the first reading of Ordinance No. 3112.

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

Motion by Reid, seconded by Copstead to suspend the rules and to adopt Ordinance No. 3112 by its having had one reading by title only.

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

**SUMMARY – ORDINANCE NO. 3112:** Motion by Copstead, seconded by Wolfinger to approve the Summary of Ordinance No. 3112 for publication purposes. ROLL CALL: Edinger, Aye; Copstead, Aye; Goodlander, Aye; Wolfinger, Aye; McEvers, Aye; Reid, Aye. Motion carried.

RESOLUTION NO. 03-055

A RESOLUTION OF CITY OF COEUR D'ALENE, OF KOOTENAI COUNTY, IDAHO, INITIATING THE FORMATION OF LOCAL IMPROVEMENT DISTRICT NO. 148, DESCRIBING THE PROPOSED BOUNDARIES; DESCRIBING GENERALLY THE IMPROVEMENTS TO BE CONSTRUCTED IN THE PROPOSED CITY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

Motion by Goodlander, seconded by Copstead to adopt Resolution 03-055 and to adopt the Findings of the LCDC Commissioners.

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

**EXECUTIVE SESSION:** Motion by Reid, seconded by Copstead 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; Goodlander, Aye; Edinger, Aye; Wolfinger, Aye; Copstead, Aye. Motion carried.

The session began at 10:56 p.m. Members present were the Mayor, City Council, City Administrator, City Attorney, City Clerk and Finance Director.

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 12:25 a.m.

**ADJOURNMENT:** Motion by Wolfinger, seconded by Copstead that this meeting be recess to June 2, 2003 at 5:30 p.m.

The meeting recessed at 12:26 a.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, City Clerk