

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT THE LIBRARY COMMUNITY ROOM  
JUNE 3, 2008**

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 June 3, 2008 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem

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

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

**INVOCATION:** The invocation was led by Pastor Phil Muthersbaugh, Life Source Church.

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

**PRESENTATION - STUDENT ATHLETE RECOGNITION:** School Superintendent Harry Amend introduced the athletic teams that have had all of the team members participate in the drug testing program. Tonight the following high school teams were recognized: **Coeur d'Alene Viking Junior Varsity Baseball Team** Assistant Coach Brian Stranger and team members Derek Priano, Coty Cummings, Kaleb DeHaas, Matt Klepfer, Emmitt Stangel, Clinton Koopal, Codey Kuebler, Jake Pereia, Jack Albertson, Matt Lambert, Colin Comack, Zack Keiser, Drew Trubin, Brett Burnside, and Dan Connell; **Coeur d'Alene Viking Junior Varsity Softball** Coach Brian Stranger and team members Mandi Iverson, Brittany Bowen, Hailey Petit, Rachelle Gage, Marlie Loftis, Emily Boy, Danielle Costa, Hayley Mehringer, Shelby Kunas, Jessica Eppers, Kynda Miller, Kristina Goodwin, and Jessica Ball; **Coeur d'Alene Viking Varsity Baseball Team** Coach Josh Behrens and team members Ryan Dunton, Steve Welton, Ben Shewmaker, Jackson Seaman, Casey Spender, Mason Romano, Devin Fox, J. J. Turbin, Tyler Woodall, Matt Cade, Brian Klatt, Alex Krapas, Jeff Kamphaus, Jordan Harlow, Jake Bryant, and Jarod Ball; **Coeur d'Alene High School Girls Varsity Tennis Team** Coach Laura Brown and team members Talia Beebe, Mary Benschmidt, Lyndsay DeLong, Nicole DeMarco, Brooke Fowler, Hannah George, Stephanie Grimm, Jillian Grutta, Rachel Hanley, and Hannah Williams; **Coeur d'Alene High School Girls Junior Varsity Tennis Team** Coach Dan O'Connor and team members Fallon Baraga, Kimberly Barrera, Venessa Braun, Jessica Brock, Rachel Bryan, Kacy Carson, Kelsey Coulter, Farrah Fuller, Melissa Jeske, Alexandra Kaplan, Krystal Krema, Madison Leonard,

Jaimie Meredith, Megan Petersen, Jessica Rade, Rachel Rice, Brooke Schifano, GG Templeman, Aubrey Turner, Lindsey Westwood, Samantha Kuhr, Emily Lo, Christina McCullough, Tiana Myers, Megan Peterson, Colleen Samsel, Lindsey Westwood, and Kendra Winnick; **Coeur d'Alene High School Boy's Varsity Tennis Team** Coach Corey DeLeonard and team members Willie Bruno, Sam Grove, Matt Harlow, Blake Hintz, Jae HyunKim, T.J. Kast, James Kast, Matthew Lewis, Ray Lyon, Sam Lyons, Trevor McEvers, and Zach Schnick; **Coeur d'Alene High School Boys Junior Varsity Tennis Team** Coach Kathy Salvadore and team members Hayden Anderl, Austin Beals, Aaron Boston, Cole Boyer, Devin Buettner, Dimitri Christo-Dionne, Keith Cockrell, Tevis Dryden, Danny Fisher, Devlin Fontaine-Hulse, Cameron Grennes, Ryan Humphries, Patrick Kienle, Sam Lewis, Joe Mitchell, Graham Neff, Jared Pierson, Andrew Prohaska, Stephen Reichert, Hagan Robb, Jesse Smith, Aaron Vetsch, Jason Vetsch, Jorge Willalobos, Ethan Waite, and Jordan Wise; **Lake City High School Varsity Girls Softball team** Coach Larua Tolzmann and team members Jamie Hall, Haley Peterson, Kimberly Lynn, Jordanna Walker, Jessica Ross, Caitln Sutton, Amanda Krier, Brittani Waide, Jennifer Robertson, Kallie Neal, Lela Work, Janey Ortega, and Justine Ezzell; **Lake City High School Junior Varsity Softball team** head Coach Laura Talzmann and team members Kylie Hartman, Sara McEvily, Kaeli Fisher, Avalon Leddy, Becky Short, Alycia Barrowcliff, Annie Chadderdon, LeAnne Pool, Jenna Fordham, Makayla Magnuson, Haley Reagen, Jennifer Robertson, Kallie Neal, Jennifer Kerr, and Kate Wellmaker.

Steve Walsh expressed his appreciation for the Mayor and Council in supporting this program.

**PROCLAMATION - "RACE UNITY DAY":** Councilman Goodlander on behalf of Mayor Bloem read the proclamation proclaiming June 14th as Race Unity Day in the City. George Mark accepted the proclamation.

**PRESENTATION - NORTH IDAHO HOUSING COALITION:** Lori Isenberg, Executive Director of the N.I. Housing Coalition, presented an overview of the role of the North Idaho Housing Coalition. She reviewed the points agreed upon by the Coalition that are needed to provide workforce housing in our community. Mrs. Isenberg noted that the North Idaho Housing Coalition formed two committees – the Finance/Education Committee which educates the public on all the available financing programs for home purchases, and the Project Development Committee which focuses on the shared equity homeownership program. Councilman Kennedy noted that this is a voluntary program for developers to participate in.

**PUBLIC COMMENTS:**

**SELTICE WAY BRIDGE:** Mike publicly apologized for spray painting graffiti on the Seltice Way Bridge this past January. Ben also apologized for spray painting the Seltice Way bridge in January.

POLITICAL VIEWPOINT: Stonecalf Warriorwoman, 1421 N. 9<sup>th</sup> Street, Apt. B-4, expressed her views of the book “Beyond the Age of Innocence” and urged people to read the book. She also encouraged the release of a variety of “political prisoners”.

COUNCIL BILL NO. 08-1011: Jenna Borovansky, 815 N. 7<sup>th</sup> Street and who owns property on at 1<sup>st</sup> and Foster and property on 2<sup>nd</sup> Street, opposes the design guidelines for setbacks in the Downtown North Infill District as proposed in Council Bill No. 08-1011 and believes that these standards are arbitrary as it only protects single-family housing and asked the Council not to apply this portion of the design standards to the Downtown North Infill District. Councilman Kennedy asked how this code amendment directly affects her. Ms. Borovansky responded that she and her husband have drawn up plans for a triplex which, if this ordinance passes, would make it impossible for them to build this project. Councilman Kennedy noted that the Council would discuss this item later in the agenda.

OVERTURNING IDAHO LAWS: Harold Hocker, 1413 E. Spokane Avenue, spoke in opposition to judges being able to determine certain laws unconstitutional when the people have voted them into law. He believes that there are some laws in this State that need to be changed such as not allowing schools to implement impact fees on new developments.

FORT GROUNDS NOISE COMPLAINT: Karen Lawson, 333 Park Drive, read a letter from the Fort Grounds Homeowners Association regarding noise pollution in their neighborhood and requested that the Council enforce the City’s noise ordinance regarding NIC’s baseball games, people who rent the City Park Bandshell, as well as the Parkside Bistro playing amplified music in excess of the noise ordinance.

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

1. Approval of minutes for May 20, 2008.
2. Setting the General Services Committee and Public Works Committee meetings for Monday, June 9<sup>th</sup> at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 08-032: 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 ANNUAL CONTRACT RENEWAL WITH KOOTENAI MEDICAL CENTER FOR USE OF THE MCGRANE FACILITY POOL; APPROVAL OF S-3-06 – MAINTENANCE / WARRANTY AGREEMENT FOR HAWK’S NEST 1<sup>ST</sup> AND 2<sup>ND</sup> ADDITIONS; APPROVAL OF ANNUAL CONTRACT RENEWALS WITH A) BMX ASSOCIATION AND B) HANDSHAKE PRODUCTIONS; APPROVAL OF S-4-05 – FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT FOR BELLERIVE, 2<sup>ND</sup> ADDITION AND APPROVAL OF AN OUTDOOR EATING ENCROACHMENT AGREEMENT FOR LE PIASTRE RESTAURANT AT 501 E. SHERMAN.
4. Approval of street closure for Sherman Avenue each Thursday from July 17 - Aug.

28, 2008.

5. Approval of suspending "No Dogs Allowed" rules for the Parks Day Celebration Adopt-a-Pet program on July 12, 2008.
6. Approval of waiver of field use fees for use of Ramsey Park for the Armed Services Benefit Tournament.
7. Adoption of Water Conservation Education Plan.
8. Approval of extinguishment of public utility easement on the Cottages property.
9. S-3-07 - Partial acceptance of installed improvements in the Sorbonne Addition.
10. SS-12-07 - Final plat approval of Sanders Shores Subdivision.
11. Approval of cemetery lot transfer from Clifford Fender to Charles and Christopher Fender.
- 12. Approval of fireworks Stand permits (Council took separate action below)**
13. Authorizing the purchase of a 2003 mid-sized SUV from Robideaux Motors.

DISCUSSION: Councilman McEvers noted that he is going to vote against the sale of fireworks in the City and so will be voting no to the Consent Calendar. Councilman Goodlander noted that most of the fireworks that disturb the peace before and after the 4<sup>th</sup> of July are the illegal fireworks that are purchased on the Reservation. Chief Gabriel noted that it is almost impossible to enforce this law since by the time the police/fire respond to complaints about the fireworks the offending people are no long shooting them off. Councilman Edinger noted that the Consent Calendar is for approval of legal fireworks stands in the City. Captain Childers noted that typically complaints come in as soon as the firework stands go up on the reservation. He reported that on the 4<sup>th</sup> of July the Police Department receives between 300 and 400 calls for illegal fireworks.

Motion by Goodlander, seconded by Hassell to remove Item 12 from the Consent Calendar. Motion carried.

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

**CONSENT CALENDAR ITEM 12 – FIREWORK STANDS:** Councilman McEvers noted that he isn't against firework stands and legal fireworks or against the 4<sup>th</sup> of July, but he does oppose out-of-state people coming to Coeur d'Alene to sell fireworks.

Motion by Goodlander, seconded by Edinger to approve the firework stand permits.

DISCUSSION: Councilman Goodlander believes that the General Services Committee needs to discuss this issue after the 4<sup>th</sup> of July for next year. Councilman Edinger noted that it is the illegal fireworks that draw citizen complaints and there is nothing the City can do to prevent the reservation from selling the illegal fireworks.

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

## **COUNCIL ANNOUNCEMENTS:**

COUNCILMAN EDINGER: Announced that Scott Reed has written a book about the history of Tubbs Hill and the Tubbs Hill Foundation is having a book signing ceremony on June 19<sup>th</sup> from 5 p.m. to 8 p.m. in the Library Community Room.

COUNCILMAN KENNEDY: Expressed his condolences to the Hudson family on their loss of Roger Hudson who was a great part of this community.

COUNCILMAN BRUNING: Expressed his sympathy to the family of Jim Bellamy, former Chairman of the Planning Commission, who also passed away.

MAYOR BLOEM: Asked citizens to think of others when they create excessively loud noise. Councilman Hassell suggested that the Council review the parks concert contract.

**APPOINTMENTS TO PED/BIKE COMMITTEE:** Motion by Kennedy, seconded by Goodlander to appoint Christopher Bosley to the Ped/Bike Committee Motion carried.

**ADMINISTRATOR'S REPORT:** City Administrator Wendy Gabriel announced the City is accepting applications for grounds maintenance workers. She reported that through Kirk Johnson's leadership the City now has a fiber connection to the north campus of the City which was made possible through the cooperative efforts of LCDC and Kootenai County. Firefighters/Paramedics Tom Greif and Bobby Gonder from the Coeur d'Alene Fire Department recently completed teaching EMT classes at NIC. Another class is scheduled for next January also being taught by our Fire Department. On June 3<sup>rd</sup> and 4<sup>th</sup>, the Union Pacific Railroad will be performing crossing repairs at W. Prairie Avenue. The 2008 Catch Basin project will take place June 4<sup>th</sup> and 5<sup>th</sup> at Canfield Avenue in front of Wendy's. Eastbound lanes will be closed from 8 a.m. to 4 p.m. each day. The Kootenai Metropolitan Planning Organization will hold an open house on Tuesday June 10<sup>th</sup> from 5-7 p.m. at the Harrison Elementary School to discuss the State Highway 97 Corridor Study/Route Development Plan. Mrs. Gabriel announced that there was a Higher Education Corridor meeting held recently and there is another opportunity for the public to hear about this project at a meeting to be held on July 10<sup>th</sup> at 5:30 p.m. in the Library Community Room. At that time the master plan and economic feasibility study will be presented on the Higher Education Corridor.

## **IDENTITY OF INTEREST AND DISCLOSURE CERTIFICATION -**

**FRUTILAND LANE APARTMENT PROJECT:** Councilman Bruning declared a conflict of interest for this item. Motion by Goodlander, seconded by Hassell to authorize staff to submit the Identity of Interest and Disclosure Certification to the Secretary of Housing for the Fruitland Lane Project. Motion carried.

RESOLUTION 08-033

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A LEASE AGREEMENT WITH ST. VINCENT'S FRUITLAND LANE APARTMENTS, LTD. FOR CITY OWNED - PROPERTY ON FRUITLAND LANE.

Councilman Bruning also declared a conflict of interest with this item.

Motion by Goodlander, seconded by Edinger to adopt Resolution 08-033.

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

RESOLUTION 08-034

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT WITH THE PANHANDLE KIWANIS CLUB FOR THE RENOVATION, CONSTRUCTION AND MAINTENANCE OF 2 DISC GOLF COURSES.

STAFF REPORT: Parks Director Doug Eastwood presented the proposed disc golf course that will be placed at the Cherry Hill Park. He noted that the Panhandle Kiwanis Club will construct the course. Ben White explained how disc golf is played. Mr. Eastwood noted that the signs at each tee will be removed for sledding in the winter months. Mr. Eastwood added that sponsors could purchase the tee signs that would describe the distance, and par for each hole and list their company name as a sponsor.

Motion by Goodlander, seconded by Edinger to adopt Resolution 08-034.

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

**PROPOSED AMENDMENTS TO THE AREA OF CITY IMPACT:** City Planner Dave Yadon presented three areas proposed to be amended in the City's Areas of City Impact for Council consideration. Area No. 1 is the area for the conservation easement land on Blackwell Hill which the Council previously approved to be removed from the Area of City Impact. Area No. 2 located on the southeast portion of the Area of City Impact previously removed from the Comprehensive Plan is requested to be considered for removal from the Area of City Impact. Area No. 3 is the Mill River property adjacent to the City of Huetter which has been annexed into the City and should be added to the Area of City Impact.

Councilman Hassell noted that the Public Works Committee recommended that Area No. 2 stay within the Area of City Impact. He stated that the City would retain some

development oversight of this area if it was retained within the boundary. Councilman McEvers noted that he believes that Area No. 2 should be removed from the Area of City Impact. Councilman Kennedy noted that he too voted with Councilman Hassell to keep Area No. 2 in the Area of City Impact. Motion by Hassell, seconded by Kennedy to authorize staff to proceed with the process to include the amendments of Area No. 1 being removed from the Area of City Impact, Area No. 2 remaining in the Area of City Impact, and Area No. 3 being added to the Area of City Impact. Motion carried with McEvers and Edinger voting no.

**RECESS:** Mayor Bloem called for a recess at 8:07 p.m. The meeting reconvened at 8:15 p.m.

ORDINANCE NO. 3335  
COUNCIL BILL NO. 08-1011

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING A NEW SECTION 17.05.705 TO AUTHORIZE THE ADOPTION OF DESIGN GUIDELINES BY RESOLUTION FOR THE DOWNTOWN CORE DISTRICT AND TO PROVIDE FOR DESIGN DEVIATIONS; AMENDING SECTIONS 17.06.660 AND 17.06.670 TO REQUIRE THAT A MAJORITY OWNER OR IMMEDIATE FAMILY MEMBER RESIDE IN EITHER THE PRINCIPAL OR ACCESSORY DWELLING UNIT IN ORDER TO QUALIFY FOR AN ACCESSORY DWELLING UNIT; AMENDING SECTION 17.07.115 TO PROVIDE THAT CERTAIN LEGAL PRE-EXISTING USES ARE NOT SUBJECT TO COMPLAINTS FOR PERFORMANCE STANDARD VIOLATIONS WHEN AN ADJACENT PROPERTY IS REZONED; AMENDING MUNICIPAL CODE SECTION 17.07.925 TO PROVIDE A HEIGHT RESTRICTION FOR COMMERCIALLY ZONED PROPERTY WITHIN THE DOWNTOWN-EAST OVERLAY DISTRICT; AMENDING MUNICIPAL CODE SECTION 17.44.070 TO AMEND THE PARKING REQUIREMENT FOR HOTELS AND MOTELS FROM 1.25 SPACES PER ROOM TO 1 SPACE PER ROOM; REPEALING SECTIONS 17.08.405, 17.08.410, 17.08.415, 17.08.420, 17.08.425, 17.08.430, 17.08.435, 17.08.440, 17.08.445, 17.08.450 AND 17.08.455; 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.

**DISCUSSION:** Councilman McEvers referring to Jenna Borovansky's comments, believed that the setback issue only involved the East Downtown Infill District area (the south 11<sup>th</sup> Street area) and not the northwest side or the downtown district. Dave Yadon, City Planner, reviewed that an example of the setback requirements was based on a photo which showed an example of the need for the setback requirements as illustrated by a single-story, single-family dwelling unit adjacent to a multi-story building located on 3<sup>rd</sup> Street in the North Downtown Infill District and the Council agreed to the setback amendments for all infill districts. Mr. Yadon noted that the Legal Department has

reviewed the proposed amendments in regard to equal protection. Mr. Yadon also noted that the Council has developed a design review procedure whereby projects are reviewed and the process takes into account departures from the design standard. Jenna Borovansky, 815 N. 7th Street, commented that her project fully complies with the intent but they do not have a design that meets the proposed amended step-back requirements. Ryan Bodkin, 815 N. 7th Street, believes that their project meets the current design standards but with the proposed amendment, they would have to re-design their project. He believes that the amendments do not promote the infill of the North Downtown Infill District. Councilman Kennedy asked if the Design Review have the flexibility to accept projects that may not meet the exact standards. City Planner Dave Yadon responded that yes, the Design Review Committee does have flexibility.

Motion by Hassell, seconded by Bruning to pass the first reading of Council Bill No. 08-1011.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 08-1011 having had one reading by title only.

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

#### RESOLUTION 08-035

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AND ADOPTING DOWNTOWN DESIGN GUIDELINES.

Motion by Hassell, seconded by McEvers to adopt Resolution 08-035.

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

#### RESOLUTION 08-036

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO REPEALING RESOLUTION NO. 04-089 AND ADOPTING REVISED DESIGN GUIDELINES FOR THE DOWNTOWN-NORTH, MIDTOWN AND DOWNTOWN-EAST INFILL OVERLAY DISTRICTS AND RE-ADOPTING THE DESIGN STANDARDS AND FEES ESTABLISHED BY RESOLUTION NO. 04-089

Motion by Hassell, seconded by McEvers to adopt Resolution 08-036.

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

ORDINANCE No. 3336  
COUNCIL BILL NO. 08-1012

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM MH8 (MOBILE HOME AT 8 UNITS/ACRE) TO R17 (RESIDENTIAL AT 17 UNITS/ACRE) AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- 3.2 ACRE PARCEL AT 3285 FRUITLAND LANE; 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 Edinger, seconded by McEvers to pass the first reading of Council Bill No. 08-1012.

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

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 08-1012 by its having had one reading by title only.

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

**ADJOURNMENT:** Motion by Edinger, seconded McEvers that, there being no further business before the Council, this meeting be adjourned. Motion carried.

The meeting adjourned at 9:18 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, CMC  
City Clerk