

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL,  
JULY 6, 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 July 6, 2004 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Dixie Reid	)	Members of Council Present
Woody McEvers	)	
Ben Wolfinger	)	
A. J. Al Hassell, III	)	
Deanna Goodlander	)	
Loren Edinger	)	

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

**INVOCATION:** The invocation was led by Reverend Ron Hunter, Church of the Nazarene.

**PLEDGE OF ALLEGIANCE** was led by Council President Reid.

**PRESENTATION – MUSEUM OF NORTH IDAHO – BUILDING PLANS**

**UPDATE:** Ray Kolts, Museum Board President, presented the updated plans for the proposed new museum building to be located just north of Mullan Avenue, west of Northwest Boulevard and adjacent to Memorial Field. The proposed building would be partially a one-story level to preserve views and vistas and part of the building would be two stories. He noted that this is a community building and he believes that they have the community support to expand to the new building. The rough cost estimates to construct this building is approximately \$4.5 million. Funding possibilities include establishing a museum district, federal and state grants. Council President Reid clarified that the Walker Macy conceptual plan design noted that this building was for possibly a museum or other facilities

**PRESENTATION – STREETS MAINTENANCE DEPARTMENT ANNUAL**

**REPORT:** Streets Superintendent, Jon Ingalls, reported on the activities of the Street Maintenance Department over the past year. He reviewed the mission statement for the department and introduced the staff and their functions and roles within the department. He reviewed the goals of the department, which included street striping, pavement markings, traffic signal maintenance, fleet maintenance, annual leaf pick up, street sweeping, snow removal and street repair/maintenance. He reported that

the department now has a new snowgate front-end loader to help with snow removal, and they have experimented with crushed asphalt recycling. Future challenges include the implementation of the stormwater utility and grit disposal.

**FREQUENTLY ASKED QUESTIONS: It seems that the City takes a lot more time in the spring sweeping the main streets and not the residential streets.**

**What is the reason for this?** The Streets Maintenance Department focuses not only on collecting the dirt and sand from the winter months, but also the main streets are swept again in preparation for the annual street striping. Street striping can only occur when the temperature reaches a certain degree. This mean that once all city streets have initially been swept, the streets needing new paint must be swept again in order to make sure that the paint will adhere to the pavement.

**PUBLIC COMMENTS:**

**DENIAL OF BEER/WINE LICENSE FOR 4TH STREET BISTRO:** Motion by Wolfinger, seconded by Edinger to bring the item regarding the denial of a beer wine license for 4th Street Bistro forward at this time. Motion carried. Brent Russell, applicant, noted that he is working with the State to be designated as a restaurant. He believes that the only reason he is not designated as a restaurant is the absence of a commercial grade oven. Councilman Wolfinger explained that the reason for the recommendation for a denial is not based on State Code but based on Municipal Code which requires 75% of the gross floor space must be used for the preparation and serving of food and he is proposing to separate the operation into an eating area and a bar. Motion by Reid, seconded by McEvers to deny the beer/wine license for the 4th Street Bistro and Sports Pub. Motion carried.

**POTLATCH HILL ROAD:** Dick Edinger, Chairman of the East Side Highway District, announced that due to the recent annexation of property, the East Side Highway District is formally turning the jurisdiction of Potlatch Hill Road over to the City of Coeur d'Alene.

**LIFEGUARDS REQUEST ORDINANCES:** Frederick Taylor 957 Placer Court, Hayden Lake, and Emily Christiansen 1420 Margaret, lifeguards for the City, requested the Council enact an ordinance for banning smoking on the beach. Mr. Taylor noted that smoking has been banned in public buildings and would like it extended to City Beaches. As a lifeguard, when he is stationed on the lifeguard stand, people will smoke just below him. Emily also noted that they are requesting just the beach area and not the entire City Park. She also noted that, as lifeguards, they must continually pick up cigarette butts on the beach. They also requested that an ordinance be enacted to prohibit swimmers from diving off the Independence Point steps and to place a fine on any infractions. Motion by Reid, seconded by Goodlander to refer these items to the Parks and Recreation Commission. Motion carried.

Bob Legeza, 1014 Mullan Ave., stated that this is not L.A. and this is an open area,

which is bounded by a street with heavy traffic and a seaplane that takes off and lands several times a day. He asked the Council that, if they are proposing to ban smoking, then look at banning all pollution-creating activities in this area as well.

**BARKING DOGS:** Jack Lutz, 1042 N. 2nd Street, complained about barking dogs throughout the City. He believes that dog owners are not held accountable for their animals. He would like to see a ruling that all dogs need to be walked 1 hour per day. He realizes that there is a legal process for barking dogs but it is a long process and creates animosity towards neighbors. Mayor Bloem suggested that a neighborhood association could get together and politely suggest to dog owners possible remedies to the barking dogs. Councilman Wolfinger suggested that complaints of barking dogs be referred to the Code Enforcement Officer. Police Chief Carpenter offered to discuss this issue with Mr. Lutz.

**CONSENT CALENDAR:** Motion by Reid , seconded by Wolfinger to approve the Consent Calendar and to amend the June 15, 2004 minutes to include a motion to approve the directional parking locations logo as recommended by the Parking Commission.

1. Approval of minutes for June 15, 21, 2004.
2. Setting the General Services Committee and Public Works Committee meetings for July 12, 2004 at 4:00 p.m.
3. RESOLUTION 04-068: 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 BURLINGTON NORTHERN SANTA FE FOR THE CENTENNIAL TRAIL; APPROVAL OF A MULTI-MEDIA CONTRACT WITH DAVID HERN FOR THE CITY'S GOVERNMENT TV CHANNEL; APPROVAL TO IMPLEMENT THE BI-WEEKLY PAYROLL SYSTEM CONVERSION FOR THE CITY, EFFECTIVE OCTOBER 1, 2004; REJECTING BIDS FOR THE WASTEWATER UTILITY'S OPEN TRENCH SEWER REPLACEMENT; APPROVAL OF A BID AWARD TO PLANNED & ENGINEERED CONSTRUCTION, INC. FOR THE WASTEWATER UTILITY'S CURED IN PLACE PIPE SEWER LINE REHABILITATION AND APPROVAL OF S-10-98M.1 FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT FOR BENTWOOD PARK, 6<sup>TH</sup> ADDITION.
4. Approve the exception to the no-cut policy at the alley between Indiana and Wallace on 2<sup>nd</sup> Street.
5. Approval of a beer/wine license transfer for Brix Restaurant to Jerry Goggin.
6. Acceptance of Right-of-Way for the Government Way Project, Phase 2.
7. Approval of repurchase of cemetery lot from Harold Deming.

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

**JON INGALLS THANKED:** Council President Reid thanked Jon Ingalls for his quick response to a request for a sani-can at a location on the parade route. Jon Ingalls noted that Bill Greenwood is the staff member that accomplished that placement.

**POLICE DEPARTMENT COMMENDED:** Councilman Wolfinger commended the Police Department during the past few weeks' activities. He noted the Police Department had double the calls than they normally get and gave kudos to both police and fire for their efforts. Ron Edinger also commended the Fire Department and Police Department for their work with Ironman.

**CAT ORDINANCE:** Councilman Edinger recalled that a few years ago, there was a suggestion for a possible cat ordinance. He requested the Legal Department again look into creating a cat ordinance since there is a dog ordinance. Councilman Hassell noted that he has received a couple of complaints for cats; however, those complaints were about owners who have 10-12 cats in one residence. Motion by Reid, seconded by Wolfinger, that we do not legislate cats. Motion carried with the Mayor breaking the tie vote. Councilman Hassell noted that we do have ordinances for other animals within this town and citizens should bring their complaints to the Code Enforcement Officer.

**LIBRARY SUMMER READING PROGRAM:** Councilman Goodlander reminded citizens that the summer reading program is in full force at the Library.

Councilman Goodlander stated that she believes that this is a great city because of the people who live here and citizens that get involved in our community. She announced that Fire Chief Gabriel has been invited by the New York Fire Department to go to Paris to speak on wildfires.

**CITY PARK:** Councilman McEvers stated that he was really impressed with the way the City Park looked on the 4<sup>th</sup>, especially after the recent Ironman Event. He also gave kudos to the Street Dept. for all their efforts during Ironman and the 4<sup>th</sup> of July celebration.

**IRONMAN 2004:** Mayor Bloem announced that 4,400 area residents volunteered for Ironman and expressed her appreciation for all City Staff for the great work and noted that 50 employees volunteered for this event especially the Finance Department who had all the department's staff volunteer who were in town.

**EXECUTIVE TEAM:** Jon Ingalls, representing the Executive Team, announced the Recreation Department is currently taking registration for the following programs: Tennis/Swim lessons at City Beach, Dance Classes, Arts & Crafts Classes. The Recreation Department is hosting the Idaho Girl's 16-U State Fast-pitch Tournament. Teams are from Boise, Pocatello, Twin Falls, Nampa, Eagle, Kuna, Caldwell and several teams from North Idaho. In a couple of weeks Appleway, 3rd Street, and a portion of 15th Street (from Best to Thomas Lane) will be overlaid, which will be accomplished by private contractors. Our in-house maintenance crews will be overlaying 10 city blocks

(10<sup>th</sup> Street - Montana to Hastings, Linden - Lincoln Way to Melrose, Nora - LaCrosse to end of pavement, Melrose end of pavement to Mill and Hattie - Govt. Way to Hattie). As part of the Holy Family Catholic School construction project taking place on the northeast corner of Kathleen Avenue and Atlas Road, realignment of Kathleen Avenue near Atlas will be started the week of July 5<sup>th</sup> in anticipation of the school opening this fall. Atlas Road near Greenwich will be down to one lane starting July 6<sup>th</sup> until about July 10<sup>th</sup> as the intersection is repaired. Beginning July 12<sup>th</sup>, the westbound and eastbound lanes on the “old” Kathleen Avenue will be one lane only, essentially diverted at the tie-in to the new Kathleen. The Coeur d'Alene Public Library is one of 10 libraries in the state chosen to host the new Lewis & Clark Let's Talk About It reading and discussion series beginning in September. The series is sponsored by the Idaho State Library and the Idaho Council on the Humanities, with local matching funds provided by the Friends of the Coeur d'Alene Public Library. The group will meet every two weeks for book discussions led by guest scholars. The series continues over a 10-week period. One of the three annual book sales will be conducted this Friday, July 9th.

#### RESOLUTION 04-069

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE COEUR D'ALENE BMX ASSOCIATION.

Motion by Hassell, seconded by Goodlander to adopt Resolution 04-069.

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

**SETTING OF PUBLIC HEARING – INCREASE IN FEES:** Motion by Hassell, seconded by Goodlander to set a public hearing for increasing the Recreation Department's sponsorship fees for August 3, 2004. Motion carried

**MCEUEN TENNIS COURTS:** Motion by Hassell, seconded by Edinger to authorize the removal of four of the six tennis courts and to asphalt overlay the remaining two courts without plexipave and to add striping. Council President Reid noted that there are funds in the budget for this project. Motion carried.

**BID SPECIFICATIONS – CHERRY HILL PARK, PHASE 1:** Motion by Hassell, seconded by Goodlander to authorize staff to advertise for bids for Phase 1 of Cherry Hill Park. Councilman Hassell noted that this project could not be built until there is money and the cost will not be determined until we go out to bid. Motion carried.

#### ORDINANCE NO. 3179

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF LINDEN AVENUE RIGHT-OF-WAY FROM THE AMENDED

PLAT OF SIMMS ADDITION SUBDIVISION, RECORDED IN BOOK "B" OF PLATS, PAGE 57, RECORDS OF KOOTENAI COUNTY, GENERALLY DESCRIBED AS THAT PORTION OF LINDEN AVENUE RIGHT-OF-WAY BETWEEN 4<sup>TH</sup> AND 5<sup>TH</sup> STREETS IN COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Edinger, seconded by Wolfinger to pass the first reading of Ordinance No. 3179.

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

Motion by Goodlander, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3179 by its having had one reading by title only.

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

#### ORDINANCE NO. 3180

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 ATTACHED DESCRIBED PROPERTY FROM R-3, R-17, C-17 TO R-3, R-8, R-17, C-17 AND C-17L, SAID PROPERTY BEING DESCRIBED SPECIFICALLY IN EXHIBIT "A", CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Goodlander, seconded by Edinger to pass the first reading of Ordinance No. 3180.

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

Motion by Wolfinger, seconded by Goodlander to suspend the rules and to adopt Ordinance No. 3180 by its having had one reading by title only.

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

**COPPER RIDGE DEVELOPMENT –ZC-3-04; PUD-3-04; 2-4-04 FINDINGS AND ORDER:** Motion by Wolfinger, seconded by Edinger that having attended the public hearing and having read the Findings and Order as prepared, adopt the

Findings and Order for ZC-3-04, PUD-3-04 and S-4-04 relating to the Copper Ridge Development as presented. Council President Reid abstained. ROLL CALL: Goodlander, Aye; McEvers, Aye; Hassell, Aye; Reid, Abstain; Edinger, Aye; Wolfinger, Aye. Motion carried.

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

The session began at 7:45 p.m. Members present were the Mayor, City Council, City Administrator, Personnel Director, Finance Director and City Attorney.

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

No action was taken and the Council returned to regular session at 10:15 p.m.

**ADJOURNMENT:** Motion by Edinger, seconded by McEvers to recess this meeting to Monday, July 12<sup>th</sup> at 4:30 p.m. at the Jewett House. Motion carried.

The meeting recessed at 10:16 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, City Clerk