

**MINUTES OF A CONTINUED MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL,
AUGUST 5, 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 August 5, 2003 at 3:30 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

INVOCATION: The invocation was led by Pastor Joe Donaldson from the Bethel Baptist Church.

PLEDGE OF ALLEGIANCE was led by Councilman Wolfinger.

PUBLIC COMMENTS:

COUNCIL SALARY RAISES: Bob McIlvenna, 315 E. Wallace Ave., opposed the raise for Council salary since he had a sewer backup approximately about 1 year ago which the Council did not reimburse him for. He suggested that before the Council give themselves a raise that they first pay his claim for the sewer backup, purchase insurance and change the attitude of staff to help citizens.

NORTHWEST BOULEVARD NOISE: Joy French, 301 N. 1st, expressed her frustration from the noise waking her at night. The noise is caused by the youth in our community that are blasting their car radios and are racing up and down Northwest Boulevard.

BMX PARK AT 15TH AND HAZEL: Sue Skerrett, 1415 Crestline Drive, asked when the Council would be having a public hearing regarding the BMX bicycle park to be located on the City parcel at 15th and Hazel. Council President Reid informed her that the public hearing will be held September 2nd.

LEGAL INTERN: Lisa Felix, Summer Legal Intern, expressed her appreciation to the City and the Legal Department for the opportunity of allowing her to work in the City's Legal Department this summer.

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

1. Approval of minutes for July 15, 2003.
2. Setting of General Services and Public Works Committee meetings for Aug. 11, 2003 at 4:00 p.m.
3. RESOLUTION 03-073: 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 EMERGENCY EQUIPMENT RENTAL AGREEMENT WITH THE IDAHO DEPARTMENT OF LANDS, FOR MUTUAL AID IN THE EVENT OF WILDLAND FIRES OUT OF THE CITY; APPROVAL OF A BID FROM RIVERLAND EXCAVATING INC. IN THE AMOUNT OF \$304,164.65, FOR THE FRUITLAND LANE SEWER PROJECT; APPROVAL OF A PROPERTY DAMAGE RELEASE AGREEMENT WITH MELVIN DRAKE AND APPROVAL OF A FINAL PLAT, SUBDIVISION IMPROVEMENT AGREEMENT AND ACCEPTANCE OF POSTED SECURITY, FOR THE MILL AT RIVERSTONE SUBDIVISION.
4. Setting of Public Hearings for acceptance of demolition of buildings at 918 Bancroft and 513 S. 19th St for August 19, 2003.
5. Setting of Public Hearings: SP-6-03 – SUP for public recreation use at 15th and Hazel and O-6-03 – Amending Hillside Regulations for Fernan Lake Village for September 2, 2003.
6. Setting of Public Hearing for V-03-5 – vacation of alley at NIC for August 19, 2003.
7. Approval of purchase of polypatch machine for pavement repair.
8. Approval of cemetery lots transfers: Thora Ann Taylor to Linda M. Taylor; Marvin Taylor Sr. to Marvin Taylor Jr.; Marvin Taylor Sr. To Thora Ann Taylor; Anne Taylor to Marvin D. Sr.; Curtin Marlin to Jennifer Finley; and, 4 lots from Agnes/Lyle Brown to Russell/Phyllis Brown.
9. Approval of beer/wine license for Ristorante Marguerite at 206 N 4th.
10. RESOLUTION 03-074: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ACCEPTING THE BID OF THE WILLMS CORPORATION FOR ALLEY SEWERLINE REPLACEMENTS AT "A" TO "B" STREET BETWEEN FOSTER AND BROWNE AVENUES AND 8TH TO 10TH STREET BETWEEN FRONT AND MULLAN AVENUES.

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

PUBLIC HEARING – 0-1-03 – AMENDING TO PARKING ORDINANCE: Mayor Bloem read the rules of order for this public hearing. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos reported that the purpose of this ordinance is to modify the existing Central

Business District Boundary. The proposal is a private party request filed in conjunction with ZC-2-03. The CBD boundary was originally created to define an area within which all on-site parking requirements were waived. The current code has set a procedure to pay fees in lieu of parking and a reduced parking requirement for properties in the CBD.

PUBLIC COMMENTS: David Rucker, 554 Lincoln Drive, Ventura, CA, requested that Council approve this change in the Central Business District's boundary which would allow him to proceed with his development of a townhouse rental complex.

ORDINANCE NO. 3124

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 17.44.570 TO MODIFY THE CENTRAL BUSINESS DISTRICT BOUNDARY TO INCORPORATE PROPERTY AT THE SE CORNER OF 1ST AND GARDEN AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDE FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF.

Motion by Wolfinger, seconded by Goodlander to pass the first reading of Ordinance No. 3124.

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

Motion by Reid, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3124 by its having had one reading by title only.

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

PUBLIC HEARING – ZC-2-03 – ZONE CHANGE AT SOUTHEAST CORNER OF 1ST AND GARDEN: Mayor Bloem read the rules of order for this public hearing. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos gave the applicant's name as David Rucker, the location as six parcels at the southeast corner of 1st Street and Garden Avenue and the reason for the request as a zone change from C-17L to C-34.

He went on to give the staff analyses for land use, neighborhood characteristics, zoning, Comprehensive Plan, streets/traffic, and utilities. He reported that on May 27, 2003, the Planning Commission held a public hearing and denied the request without prejudice.

On July 18, 2003 a total of 92 notices were mailed with 11 responses – 2 in favor, 6 opposed, and 3 neutral. Written comments were submitted for Council Review.

PUBLIC COMMENTS: David Rucker, 554 Lincoln Drive, Ventura, CA, requested that Council approve his requested zone change so he could proceed with constructing a proposed townhouse rental complex. Tony Berns, 7697 Captain John Mullan Rd., on behalf of the Lake City Development Corporation, spoke in support of this zone change.

Motion by Reid, seconded by Edinger to approve the requested zone change. ROLL CALL: Copstead, No; Edinger, Aye; Goodlander, Aye; McEvers, Aye; Reid, Aye; Wolfinger, Aye. Motion carried. Motion by Reid, seconded by Goodlander to adopt the Findings and Order as presented. ROLL CALL: Copstead, No; Edinger, Aye; Goodlander, Aye; McEvers, Aye; Reid, Aye; Wolfinger, Aye. Motion carried.

PUBLIC HEARING – V-03-3 – VACATION OF A PORTION OF UTILITY EASEMENT IN CANFIELD CORNERS: Mayor Bloem read the rules of order for this public hearing. Chris Bates, Growth Services Project Manager, gave the staff report.

He reported that the developers of Canfield Corners subdivision are requesting vacation of a five foot (5') portion of the utility easement along the interior lot line of Block 2 in this subdivision located at the southwest corner of 15th Street and Dalton Avenue. He noted that the developer has encountered a number of situations where the houses designed for the lots have needed to encroach into the easement area in order to meet the required residential set backs from the lot boundaries. The easement width that was given on the plat was in excess of the easement width that is typically required by the City and is in excess of what is needed. Vacation of the 5' portion of the easement would allow the developer's home designs to fit on the lots without having to alter the plans.

He reported that 49 notices of this public hearing were mailed with 0 responses being received.

PUBLIC COMMENTS: Mayor Bloem called for public comments with none being received.

Motion by Wolfinger , seconded by Copstead to approve the requested vacation of a portion of the utility easement in Canfield Corners. ROLL CALL: Copstead, Aye; McEvers, Aye; Reid, Aye; Goodlander, Aye; Edinger, Aye; Wolfinger, Aye. Motion carried.

PUBLIC HEARING – V-02-3 – VACATION OF A PORTION OF 14TH PLACE R/W BETWEEN GILBERT AND STINER: Mayor Bloem read the rules of order for this public hearing. Chris Bates, Growth Services Project Manager, gave the staff report.

Mr. Bates gave the applicants' names as Jess Goetz, Karen Clift, and W. Alan Reid, adjoining property owners to 14th Place, and the request as a vacation of a portion of the forty foot (40') wide undeveloped right-of-way to allow for consolidation, replatting and future development of their properties.

He noted that the requested vacation is essentially for the northerly undeveloped half of 14th Place. Vacation of this portion of 14th Place would allow the applicants to complete the re-platting and subsequent development of the adjoining properties. Adjoiners along the un-vacated portion may also obtain better use of their lots as development triggers the extension of utilities and the construction of the balance of 14th Place.

He reported that 50 notices of this public hearing were mailed with 5 responses received; 1 in favor, 2 opposed and 2 neutral. Written comments were distributed for Council review.

PUBLIC COMMENTS: Randy Kramer, 2811 N. 14th St. spoke in opposition to the proposed vacation. John Karpenko, 1119 E. Linden Ave., as engineer for the proposed project for the adjacent property, spoke in support of the vacation. Karen Clift, one of the co-applicants for the vacation, asked if the street light located next to the proposed vacated property would be moved.

Motion by Wolfinger, seconded by Reid to approve the requested vacation of a portion of 14th Place between Gilbert and Stiner. **ROLL CALL:** Copstead, Aye; McEvers, Aye; Reid, Aye; Goodlander, Aye; Edinger, Aye; Wolfinger, Aye. Motion carried.

AMERICAN LEGION BASEBALL: Councilman Edinger noted that he had just returned from Boise where the City's American Legion Baseball team was participating in this year's State Championship.

RECREATION REPORT: Councilman Copstead announced that this Saturday, August 9th, the neighborhood volunteers for Shadduck Park will be planting 84 trees beginning at 8:00 a.m. The Recreation Department is now registering youth soccer August 4th through the 8th. Youth Swimming Classes coming up in September through November, so please register in the Recreation Department.

WEEKEND FESTIVITIES: Council President Reid expressed her appreciation to the organizers and city staff for the great job of hosting this year's Art on the Green, Taste of the Coeur d'Alene's and the Street Fair which was held this past weekend.

WATER CONSERVATION: Councilman McEvers thanked residents for conservatively using water. He also noted that his daughter and his three grandchildren are here visiting.

COMMITTEE APPOINTMENTS: Motion by Edinger, seconded by McEvers to approve the appointment of Carolyn Leege to the Urban Forestry Committee and the re-appointment of Steven Piscitello to the Sign Board. Motion carried.

EXECUTIVE TEAM REPORT: Executive Team Leader, Jim Markley, noted that the lifeguards will be on duty through August 17th. The Human Resources Department is currently accepting applications for part time car washer/shop helper, Building Inspector Plans Examiner and Permit Technician. The Recreation Dept. is taking registrations for Fall Flag Football. The City Clerk's Office is holding a Candidates Workshop on August 14th at 6:00 p.m. Summer reading at the Cd'A Public Library continues with a film festival this week. Linden Well is back in service.

ORDINANCE NO. 3125

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AS FOLLOWS: AMENDING SECTION 8.20.010 TO CLARIFY THE FENCE HEIGHT REQUIREMENT FOR SWIMMING POOLS TO BE EXACTLY SIX FEET (6') IN HEIGHT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Copstead, seconded by Goodlander to pass the first reading of Ordinance No. 3125.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3125 by its having had one reading by title only.

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

ORDINANCE NO. 3126

AN ORDINANCE AMENDING SECTION 2.72.010 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, CHANGING THE SALARIES OF COUNCILPERSONS TO EIGHT THOUSAND FOUR HUNDRED (\$8,400.00) DOLLARS PER YEAR; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SAVINGS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by Copstead to pass the first reading of Ordinance No. 3126.

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

Motion by Reid, seconded by Copstead to suspend the rules and to adopt Ordinance No. 3126 by its having had one reading by title only.

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

SETTING OF PUBLIC HEARING - CONTINUATION OF MORATORIUM ON HILLSIDE DEVELOPMENT ABUTTING FERNAN LAKE: Motion by Wolfinger, seconded by Goodlander to set the public hearing for continuation of a moratorium for Hillside Development for August 26, 2003 at 6:00 p.m.. Motion carried with Reid voting no.

EXECUTIVE SESSION: Motion by Reid, seconded by McEvers to enter into Executive Session as provided by I.C. 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: Copstead, Aye; McEvers, Aye; Reid, Aye; Goodlander, Aye; Edinger, Aye; Wolfinger, Aye. Motion carried.

The session began at 5:40 p.m. Members present were the Mayor, City Council and City Attorney and Finance Director and staff.

Matters discussed were those of personnel matters, labor negotiations, property acquisition and legal issues. No action was taken and the Council returned to regular session at 6:05 p.m.

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

The meeting recessed at 6:05 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk