

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL,
AUGUST 16, 2005

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 16, 2005 at 6:00 p.m., there being present upon roll call the following members:

Dixie Reid, Mayor Pro Tem

Loren Edinger)	Members of Council Present
Al Hassell)	
Woody McEvers)	
Deanna Goodlander)	
Dixie Reid)	
Ben Wolfinger)	

CALL TO ORDER: The meeting was called to order by Mayor Pro Tem Reid.

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

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

PUBLIC COMMENTS:

HISTORIC PRESERVATION ZONE REQUESTED: Thomas Anderson, 814 Cd' A Ave., believes that Sherman Avenue from 7th to 11th Street should be designated as a special historic preservation zone. Councilman Wolfinger suggested that this request be presented to the Planning Commission. Mayor Pro Tem Reid noted that John Stamsos, Associate Planner, would take his request to the Planning Commission and suggested Mr. Anderson contact Mr. Stamsos later. Councilman Goodlander also suggested that he have members of this neighborhood organize this effort.

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

1. Approval of minutes for August 2, 2005.
2. The Public Works Committee and General Services Committee are scheduled for August 22nd at 4:00 p.m.
3. Construction Parking Permits – Setting public hearing for September 6, 2005.
4. SS-7-05 – Final plat approval for Grabenstein Subdivision
5. Approval of bills as submitted and on file in the City Clerks Office.
6. Setting of Public Hearings: A-7-05 – Annexation/Zoning at 2248 E. Stanly Hill Dr. for October 4, 2005

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

OUT OF THE AREA: Councilman Wolfinger apologized for missing the last three council meetings which was due to his job requirements at the Sheriff's Office as well as making a trip to Honduras.

LIBRARY ACTIVITIES: Councilman Goodlander announced that the Library will be having their annual "Coming Together" book sale. It will be held August 20th from 10 a.m. to 5 p.m. and on August 21st from 9 a.m. to 3 p.m. She noted that some of the books on sale are from donations to the Library that cannot be used and some are books that are no longer used by the Library. Proceeds from this event will go to benefit the Library's youth programs through the Friends of the Library. She also announced that there are ongoing computer classes and signing-babies classes.

APPOINTMENT – PARKS AND RECREATION COMMISSION: Motion by McEvers, seconded by Wolfinger to appoint Bridget Hill to the Parks and Recreation Commission. Motion carried.

AD HOC COMMITTEE – CDA TV: Motion by McEvers, seconded by Goodlander to authorize the Mayor to appoint an ad hoc committee to assist staff with the development of the City's government/education channel. Motion carried.

RIVERSTONE WEST PARK: Mike Tilford, from Riverstone Development Corporation, presented the proposed park/pond to be located in the vicinity the Centennial Trail in the Riverstone Development area. The deepest point of the pond is 25 feet. Councilman Wolfinger asked if Parks would be required to purchase a boat to maintain the pond/fountains. Doug Eastwood responded that maintenance will be the responsibility of the developer. Councilman Hassell noted that there were 25 points that were reviewed by the Parks and Recreation Commission. Motion by Hassell, seconded by McEvers to conditionally approve the Riverstone West Park project based on the 25-point question and answer sheet entitled "Riverstone West Pond Development Issues Needing Clarification" including the condition that any changes to the proposed concept must be approved by the Parks and Recreation Commission. Motion carried.

RESOLUTION NO. 05-058

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT POE ASPHALT PAVING, INC. FOR THE CHERRY HILL PARK PHASE I.

Motion by Hassell, seconded by Edinger to adopt Resolution 05-058.

DISCUSSION: Councilman McEvers asked Doug Eastwood to update the status of the park. Doug Eastwood responded that the first layer of asphalt for the tennis courts will be put down this Friday and the second layer next week. After two weeks, fencing and plexi-paving will be added to the tennis courts. The BMX course is done and the parking lot is nearly completed. Then, all landscaping will be completed.

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

ORDINANCE NO. 3226
COUNCIL BILL NO. 05-1027

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING CODES 10.20.040 TO REQUIRE VEHICLES TO MOVE MORE THAN 300 FEET AFTER EXITING A PARKING SPACE; 10.27.010 TO ESTABLISH ENFORCEMENT PROVISIONS FOR VIOLATIONS; 10.27.020 TO ESTABLISH FINES BY RESOLUTION OF THE CITY COUNCIL; AND ADOPTING MUNICIPAL CODES DESIGNATED 10.27.040 FAILURE TO PAY CIVIL PENALTY FOR PARKING VIOLATION IS A MISDEMEANOR; 10.27.050 APPEAL TO PARKING COMMISSION APPEAL BOARD; AND 10.27.060 REMOVAL; OBSTRUCTION; OR OTHER DESTRUCTION OF PARKING MARKS IS A MISDEMEANOR; 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 Goodlander, seconded by Hassell to pass the first reading of Council Bill No. 05-1027.

DISCUSSION: Troy Tymesen reported that when an individual receives 3 tickets they will receive a letter notifying them that the 4th ticket will result in a \$300 fine.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Council Bill No. 05-1027 by its having had one reading by title only.

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

ORDINANCE NO. 3227
COUNCIL BILL NO. 05-1028

AN ORDINANCE ADDING TO THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE KOOTENAI COUNTY, IDAHO, BY ADOPTING A NEW CHAPTER DESIGNATED AS 2.66; ESTABLISHING A PARKING COMMISSION; PROVIDING MEMBERSHIP TERMS; ORGANIZATION AND DUTIES; MEETINGS; AND AN APPEAL BOARD; 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 Goodlander, seconded by Wolfinger to pass the first reading of Council Bill No. 05-1028.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Council Bill No. 05-1028 by its having had one reading by title only.

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

RESOLUTION NO.05-059

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING A NOTICE OF TIME AND PLACE OF PUBLIC HEARING OF THE PROPOSED AMENDED BUDGET FOR FISCAL YEAR 2004-2005, AND INCLUDING PROPOSED EXPENDITURES BY FUND AND/OR DEPARTMENT, AND STATEMENT OF THE AMENDED ESTIMATED REVENUE FROM PROPERTY TAXES AND THE AMENDED TOTAL AMOUNT FROM SOURCES OTHER THAN PROPERTY TAXES OF THE CITY FOR THE ENSUING FISCAL YEAR AND PROVIDING FOR PUBLICATION OF THE SAME.

WHEREAS, it is necessary, pursuant to Idaho Code 50-1003, for the City Council of the City of Coeur d'Alene, prior to passing an Amended Annual Appropriation Ordinance, to prepare a proposed amended Budget, tentatively approve the same, and enter such proposed amended Budget at length in the journal of the proceedings; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene, that the following be and the same is hereby adopted as an Amended Estimate of Expenditures and Anticipated Revenue of the City of Coeur d'Alene for the fiscal year beginning October 1, 2004:

GENERAL FUND EXPENDITURES:

Mayor and Council-----	\$ 164,189	
Administration-----	401,497	
Finance Department-----	581,775	\$ 596,775
Municipal Services-----	863,974	872,489
Human Resources-----	188,769	195,769
Legal Department-----	983,545	1,033,545
Planning Department-----	417,205	431,205

TRUST AND AGENCY FUNDS:-----	696,875	851,370
CAPITAL PROJECTS FUNDS:-----	1,030,000	1,492,520
DEBT SERVICE FUNDS:-----	<u>1,598,194</u>	<u> </u>
GRAND TOTAL OF		
ALL EXPENDITURES:	<u>\$50,974,775</u>	<u>\$53,707,292</u>

BE IT FURTHER RESOLVED, that the same be spread upon the Minutes of this meeting and published in two (2) issues of the Coeur d'Alene Press, seven (7) days apart, to be published on September 12, 2005 and September 19, 2005.

BE IT FURTHER RESOLVED, that a Public Hearing on the Budget be held on the 20th day of September, 2005 at the hour of 6:00 o'clock p.m. on said day, at which time any interested person may appear and show cause, if any he has, why the proposed amended Budget should or should not be adopted.

Motion by Wolfinger, seconded by Hassell to adopt Resolution 05-069.

DISCUSSION: Troy Tymesen reviewed the proposed changes to this year's budget. He added that these changes do not require the City to use their fund balance. He also explained that the City does not budget for grants but amends the budget after they have been received.

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

RESOLUTION 05-060

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR WATER SERVICE, WITH THE CITY OF HUETTER ITS PRINCIPAL PLACE OF BUSINESS AT W 4670 FERREL ROAD, COEUR D'ALENE IDAHO 83814.

Motion by McEvers, seconded by Edinger to adopt Resolution 05-060.

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

RESCUE TRUCK BID: Motion by Wolfinger, seconded by Goodlander to authorize the Fire Department to go to bid utilizing the Boise Fire Department's bid specifications for the purchase of a rescue truck. Fire Chief reported that this is the 3rd phase of the grant the City received previously. Also by using the Boise's bid specifications, it will save the City money and time and we can purchase the vehicle much sooner. Motion carried.

ORDINANCE NO. 3228
COUNCIL BILL NO. 05-1025

AN ORDINANCE ADOPTING SECTION 10.32.045 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO PROVIDE THE SPEED LIMIT ON ROSENBERRY DRIVE FROM RIVER AVENUE TO WEST LAKESHORE DRIVE, SHALL BE REDUCED FROM TWENTY FIVE (25) TO FIFTEEN (15) MILES PER HOUR; 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 Council Bill No. 05-1025.

DISCUSSION: Gordon Dobler reported that an engineering study was completed which, among other findings, showed Rosenberry Drive to be a 10-foot travel lane which is much smaller than the typical travel lanes. He added that this speed limit would match the speed limit on East Lakeshore and Park Drive.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Council Bill No. 05-1025 by its having had one reading by title only.

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

PUBLIC HEARING – ZC-6-05 – ZONE CHANGE AT 2220 N. GOVERNMENT WAY: Mayor Pro Tem Reid read the rules of order for this quasi-judicial public hearing. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos gave the applicant's name as Tammy Marie Lange, the location as an 11,500 sq. ft. parcel at the southeast corner of I-90 and Government Way and the reason for the request as a zone change from R-12 to C17L.

He went on to give the staff analyses for land use, zoning, traffic, Comprehensive Plan, utilities and traffic/streets.

On June 28, 2005 the Planning Commission recommended approval of this zone change with the following conditions:

1. Development of a storm water management plan to be submitted and approved, prior to any construction activity on the site.
2. Restriction of vehicle movements exiting the subject property on Government Way to right-turn/northbound only after the Government Way overpass is reconstructed.

3. Require the developer to pave the alley to minimize the problems associated with high volume traffic in a gravel alley, if it is to be utilized as a primary point of access.
4. If access is only from the Government Way frontage, a 24 foot wide driveway approach will be required for two-way traffic movement.

Mr. Stamos reported that on July 29, 2005, 27 notices of this public hearing were mailed to all property owners within three-hundred feet of the subject property and 3 responses were received: 1 in favor and 2 neutral.

Councilman Wolfinger asked why we are requesting right-turn only since the bridge will create a 4-lane with a center turn lane flow of traffic. He also asked how the City Police Department could enforce this type of restriction. Council President Reid also asked about the requirement for a 24-foot driveway. In response to Council President Reid's question, John noted that the 24-ft. driveway is the minimum width requirement for a two-lane driveway. Councilman Edinger asked Police Captain Childers how the Police Department would enforce this requirement. Captain Childers responded that if it is posted on private property that the Police Department could not enforce this requirement.

PUBLIC COMMENTS: Tammy Lange, 607 Bennion Rd., Worley, Idaho, speaking as applicant, noted that due to the location of this site being situated between the freeway, the 5-lane Government Way and other commercial lots that is it not a good residential area.

MOTION: Motion by Wolfinger, seconded by Goodlander to approve the zone change from R-12 to C17L and to adopt the Findings and Order of the Planning Commission including the recommended conditions except for Condition #2 - prohibiting left-hand turns onto Government Way.

DISCUSSION: Councilman Wolfinger noted that just north of the bridge, there are no restrictions on left-hand turns nor are there similar restrictions south of this lot. Councilman Reid questioned the need to require paving the alley for only a "primary" parking lot. John Stamos responded that the Council could amend this condition. Tammy Lange noted that the owner south of her lot has the same requirement for paving the alleyway. Councilman Wolfinger suggested wording the condition to read: "When it becomes a primary point of access to parking at this address, the alley must be paved".

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

PUBLIC HEARING – A-4-05 – ANNEXATION/ZONING AT NW CORNER OF 15TH AND VIOLET AVE.: Mayor Pro Tem Reid read the rules of order for this legislative public hearing. John Stamos, Associate Planner, gave the staff report.

Mr. Stamos gave the applicant's William D. Crawford, the location of annexation/zoning as a +/- 24,960 sq. ft. parcel at the northwest corner 15th Street and Violet Avenue, and the reason for the request as annexation with an R-8 zoning.

He went on to give the staff analyses for zoning, Comprehensive Plan, utilities, traffic and streets. On June 28, 2005 the Planning Commission recommended approval of the requested annexation with a zoning of R-3 rather than the requested R-8.

He reported that on July 29, 2005 39 notices of tonight's public hearing were mailed to all property owners within 300' of the subject property and 28 responses were received; 1 in favor, 24 opposed, 3 neutral. Written comments were distributed for Council review.

PUBLIC COMMENTS: William Crawford, 823 Boyd Ave, Cd'A, speaking as applicant, had requested an R-8 zoning to provide for an option of a higher-end 4-plex to be constructed. However, after testimony at the Planning Commission, he is requesting the R-3 zoning. He noted that Hoffman Water District has the first right to provide water; however, if he wanted City water, Hoffman Water would not have any problem letting him connect to the City system. He also noted that this is a pocket of county land within the City and he believes that this entire pocket should be annexed into the City instead of having the County make decisions on land use that eventually the City will have to live with. Joni Schomer, 1460 Margaret Ave., opposes the request for annexation and feels that this is spot annexation; however, if the city decides to annex this property it should be zoned at R-3. August Mack, 1460 Margaret Avenue, spoke in opposition to an R-8 or R-5 zoning and wants to keep it single-family residential. Dustin Ingalls, 1480 Margaret Ave., is opposed to constructing a 4-plex on this property. Becky Ingalls, 1480 Margaret, opposes R-8 zoning. Brad Gilbert, 1400 Margaret Avenue, opposes the R-8 zoning. He believes that developing this lot would create a traffic hazard on 15th Street. He asked the Council consider complying with the Planning Commission's initial decision and not annex this property.

DICUSSION: Councilman Wolfinger asked if the subject parcel also includes part of Violet Road. John Stamsos responded that it does include Violet Avenue; however, Violet is not a dedicated right-of-way or even has a prescriptive easement. He added that if the road way is removed from the net square footage of the lot, then the applicant would only have enough area for one building lot at an R-3 zoning. Mr. Crawford noted that he has accessed 15th Street from this lot without problem. Mr. Crawford also believes that what he is planning on doing is an asset to the City.

MOTION: Motion by Wolfinger, seconded by to approve the requested annexation and a zoning of R-3, to accept the Findings and Order as presented and to direct staff to negotiate an annexation agreement including right-of-way improvements on 15th Street and to address the disposition of Violet Avenue.

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

PUBLIC HEARING – A-6-05 – ANNEXATION/ZONING OF 1682 W.

BLACKWELL MILL ROAD: Mayor Pro Tem Reid reiterated the rules of order for this public hearing. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos gave the applicants' names as Captain Jack, LLC, the location as a +/- 8.3-acre parcel adjacent to Lake Coeur d'Alene at 1682 West Blackwell Mill Road and the reason for the request as annexation and zoning from County Residential and Commercial to C-17.

He went on to give the staff analyses for zoning, Comprehensive Plan, utilities, streets and traffic. He reported that on June 28, 2005 the Planning Commission recommended

approval of the proposed annexation and zoning with the following proposed provisions for inclusion in an annexation agreement:

1. The developer provide an additional river crossing, construct storage on the hill, negotiate a memorandum of understanding with Cougar Ridge water to provide water in an emergency situation and agree to fund the necessary improvements to create the redundancy.
2. Immediate sewer needs indicate that a sewer connection requires the applicant, Mr. Hagadone, and Mr. Hall, (owner of the existing private system) to reach agreement on temporary shared-use of Mr. Hall's Lift Station. This station may have the additional capacity to handle the proposed connections to Captain Jack's, the Cedars Restaurant, Hagadone's Marina office/Convenience store, boat pump-out and the four boater/pedestrian restrooms. An engineering review and signed report will be required from the applicant indicating that the remaining lift station capacity is adequate to allow these connections.
3. Before allowing additional applicant connections to the private system (only existing business on active septic systems), an area-specific (area drainage) sewer master plan south of the river that encompasses all of the A.C.I. needs to be completed, signed, and submitted by a licensed engineer for approval by the City of Coeur d'Alene, at no cost to the City. This plan will show build-out capacity needs for Blackwell Island, Cougar Bay, and Blackwell Hill. This plan will also recommend sewer methodology and alignment requirements. This may dictate additional sewer costs and easements needed from the applicant. The applicant must agree to commit to providing sewer infrastructure costs (unanticipated easements, functional public sewer, not build-out sewer) that the plan will detail through his property for public sewer past his property for the next development.
4. Should the detail of the area-specific plan show that Mr. Hall's site, lift station, and force main to be appropriate for public sewer acceptance, the applicant would be responsible for a pro rata share (between Mr. Hagadone and Captain Jack's) of the upgrade cost of the private lift station and force main (does not currently meet public lift station requirements) and/or with appropriate public sewer additions that may include two gravity mains and at least two force mains considered as the site for the regional Blackwell Hill lift station and force main. Applicant would agree to upgrade this station and force main to city standards, at no cost to the City.

Mr. Stamos reported that on July 19, 2005, 27 notices were mailed to property owners within 300' of the affected property with 3 responses being received: 1 in favor and 2 neutral.

PUBLIC COMMENTS: Mike Tilford, 1859 N. Lakewood Drive, spoke as applicant, requesting approval of the annexation with C-17 zoning. He noted that this development will be working in conjunction with the Hagadone Corporation and their development of Blackwell Island.

MOTION: Motion by McEvers, seconded by Edinger to approve the requested annexation and zoning of C-17, to adopt the Findings and Order of the Planning Commission and to authorize staff to negotiate an annexation agreement including the Planning Commissions recommended inclusions.

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

EXECUTIVE SESSION: Motion by Wolfinger, seconded by McEvers 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,

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

The session began at 8:28 p.m. Members present were the Mayor, City Council, City Administrator and City Attorney.

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

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

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

The meeting recessed at p.m.

Dixie Reid, Mayor Pro Tem

ATTEST:

Susan K. Weathers, CMC
City Clerk