

**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 17, 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, August 17, 2004 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

**CALL TO ORDER:** Mayor Bloem called the meeting to order at 6:00 p.m.

**INVOCATION:** The invocation was given by Pastor Tom Weadick, Vineyard Christian Fellowship.

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

**PRESENTATION – LEGAL DEPARTMENT ANNUAL REPORT:** Mike Gridley reviewed the department's divisions, Civil and Criminal. The Civil division provides support for contracts, code enforcement, claims, loss prevention, interpretation, handles planning and zoning issues, and many other facets. The Criminal Division works closely with the Police Department in enforcement issues, interpretation of codes, support to the Police, and handles court duties, as well as domestic violence issues. All staff are very involved in the community. They also work with development issues such as the hillside ordinances and protection of water resources. The Department uses interns to allow the interns hands-on experience while maintaining a minimal cost to the City. The Staff is in court or working behind the scenes each day working on City issues, and handling large amounts of paperwork. Jen Moore, head of the Criminal Division, handed out the statistics over a four year period. The Police Department is growing as the population grows, so the number of caseloads is also increasing. DUI arrests are projected to increase by 8%. Domestic Violence/Battery in the presence of a child is projected to see an increase of 42%. The actual numbers are small moving from 31 cases to 43 cases, however each case is very detailed and intense. Moore reported that they feel the numbers are increasing due to population growth, better reports by victims, more thorough investigations, and better communication. The County now has adopted diversion programs, that the City works with, to help provide treatment for offenders and charges may be dismissed or reduced if offenders participate in the programs.

McEvers commented that with the number of dismissals decreasing, police are getting better information when they do the initial investigation, and better training. Moore replied that prosecutors are being better trained as well. Reid remarked that she really appreciates knowing what the Legal Department is doing for the citizens to help every day.

**QUESTIONS FREQUENTLY ASKED BY CITIZENS:**

*Why doesn't the City Attorney's Office provide legal advice to the general public or the citizens of Coeur d'Alene?* City Attorney Mike Gridley answered that under the Idaho Bar statutes, they may only represent one client at a time, and that client is the City of Coeur d'Alene.

*When is it appropriate for our attorneys or staff to discuss criminal cases with the defendant?* Gridley replied that under the Idaho Bar Statutes, attorneys are not allowed to give advice to someone, if they are represented by an attorney. If not represented, they could talk an attorney, but the City attorneys are representing the City and the City may be a party to an issue, so they cannot give specific recommendations to defendants.

**PUBLIC COMMENTS:** Mayor Bloem called for public comments. Robert Krogle, 610 East Foster, representing Angel Fine Art at Fifth and Sherman, telephone 667-3533, came to the podium and presented a beautifully framed portrait to Councilman Goodlander. Goodlander agreed to be a model for three hours for Krogle during "Art in the Window", an eight week program, where one artist per week would paint for public viewing. Krogle praised Goodlander for her public service and faithfulness to art. Krogle is also the current featured artist in the Council Chambers. Three pieces are displayed that may be purchased. Wolfinger announced the title of a "giclee" called "Sisters", and a painting entitled "Floral Ovation". Councilman Goodlander pointed to a painting entitled "Late Summer Sketch" and complemented Krogle for his use of soft beautiful colors.

Carol Goetzman, 1045 North Eighth Street, thanked Tim Trout for his work in removing abandoned vehicles throughout the City and their neighborhood. She is requesting a time limit at night as to when fireworks may be ignited. She suggested that maybe there could be a designated place where people might be able to use their fireworks, such as the refuse area. Her concern is the noise until 2:00 am in the morning and fire control. She thanked the Council for their consideration of this issue.

Councilman Reid, and members of the City Council, received a letter from John and Saray Zeazeas, residing at 607 North 12<sup>th</sup> Street regarding a request to ban fireworks in Coeur d'Alene.

Motion by Reid, second by Wolfinger, to refer this issue to General Services. Motion carried.

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

1. Approval of minutes for August 3, 9, 2004.
2. The Public Works Committee and General Services Committee meetings are scheduled for Monday August 23, 2004 at 4:00 p.m.

3. RESOLUTION 04-077: 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 STUECKER CONSTRUCTION FOR THE STREET SHOP'S ROOF RESURFACING AND APPROVAL OF A BID AWARD OF SCHEDULES "A" AND "B" TO BUDDY'S BACKHOE SERVICE INC AND APPROVAL OF A BID AWARD OF SCHEDULE "C" TO L AND L CARGILE, INC., FOR THE WASTEWATER OPEN TRENCH SEWER REPLACEMENT.
4. RESOLUTION 04-078: 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 2003-2004, 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.
5. Setting of a Public Hearing –V-04-5 Vacation of the East-West Alley adjoining Lot 6, Block 4, Gridley Addition, lying east of Third Street for September 7, 2004
6. Setting of a public hearing for a grant application for an Idaho Community Development Block Grant in conjunction with U S Bank. for September 07, 2004
7. Authorization for the Parks Department to purchase a replacement riding lawn mower, two utility trailers, and shrubs.
8. Approval of Bills as submitted by the Finance Department
9. Setting of a Public Hearing a. 0-3-04 – Infill Regulations for September 21, 2004
10. Approval of S-3- 04-Final plat for Artists Village Condominiums
11. Approval of SS-8-04-Final plat approval for Ponderosa Condominiums
12. Approval of a cemetery lot repurchase from Walter Pytlewski
13. RESOLUTION 04-080: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY IDAHO, ACCEPTING THE BID OF SHELTER ASSOCIATES INC. FOR THE CONSTRUCTION AND INSTALLATION OF THE WATER DEPARTMENT ADMINISTRATION BUILDING.

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

Councilman McEvers commented that the City has an ordinance regarding open trenches and they cannot be left open overnight. Contractors performing work for the City must follow these rules as well and be consistent in the application of Codes.

#### **ANNOUNCEMENTS:**

**APPOINTMENTS – LAKE CITY DEVELOPMENT CORPORATION (LCDC) AND LIBRARY BOARD:** Motion by Edinger, second by Wolfinger to appoint Dave Patzer to the Lake City Development Corporation and Ann Smart to the Library Board. Motion carried. Mayor Bloem thanked both of these people for their volunteering for this reappointment and thanked them for the good job of stepping up to the plate for the

community. Councilman Goodlander mentioned that Ann Smart also serves on the Board of Trustees for the Library.

**COUNCIL COMMENTS:**

Councilman McEvers reminded citizens to conserve water and not to let it flow down the streets. Think intelligently about your use of water. There is no shortage but it keeps the pumps running unnecessarily.

**EXECUTIVE TEAM REPORT:** On behalf of the Executive Team, Mike Gridley announced that the Recreation Department is presently accepting registrations for Youth Soccer for ages 5 to 14. Flag Football registration is also in progress for Grades 3,4, and 5. The annual Wooden Boat Show will be held this weekend sponsored by the Coeur d'Alene Chamber of Commerce. Wooden boats of all sizes, makes, and types will be located along the Resort Boardwalk and the Independence Point parking lot. Stop on down and enjoy one of the many events that occur in Coeur d'Alene. The Governor's "Brightest Stars" Award Recognizes "unsung heroes", who work on behalf of Idaho's families and children. If you know of an individual, business, or organization that deserves special recognition, please call the Mayor's Office at 769-2204 for a nomination form or you can locate information on the web at [www.idahocities.org](http://www.idahocities.org) . All nomination forms must be submitted to the Mayor's Office by August 30, 2004.

**PUBLIC WORKS COMMITTEE:**

1. (P.W. Item 2) RESOLUTION 04-079: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A NEW PUBLIC ROAD CROSSING AGREEMENT, UPRR FOLDER NO. 2265-33 BETWEEN THE CITY OF COEUR D'ALENE AND UNION PACIFIC RAILROAD COMPANY TO BE ADDRESSED AT REAL ESTATE DEPARTMENT, 1400 DOUGLAS STREET, STOP 1690, OMAHA, NEBRASKA 68179-1690.

Motion by Reid, second by Edinger, to adopt Resolution 04-079.

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

**PUBLIC HEARINGS**

**PUBLIC HEARING – ZC-6-04 – ZONE CHANGE AT 3909 SCHREIBER WAY**  
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 Waterford Park Homes, for property located at 3909 Schreiber Way. The reason for the request is a zone change from C-17L (Commercial limited at 17 units per acre) back to the original zoning which was LM (Light Manufacturing).

Mr. Stamosos went on to give the staff analyses for zoning, Comprehensive Plan, utilities, streets/traffic, and stormwater. On July 13, 2004, the Planning Commission recommended approval of the zone change by a Vote of 4 to 0. This zone change would eliminate the only commercial zoning in Commerce Park and make it consistent with the existing zoning in the park, which is Light Manufacturing on the north part and Manufacturing on the south part.

A total of 13 notices for this public hearing were mailed on July 30, 2004 with a total of six responses being received. The responses are: two in favor of the proposed zone change, one opposed, and three neutral.

**PUBLIC COMMENTS:** Mayor Bloem called for public comments. Steve Wetzel, 5510 Parkwood, representing Waterford Homes LLC, commented that the LM zoning worked before and it will work again.

**MOTION:** Motion by Reid, second by Wolfinger, to approve the requested zone change and to adopt the Findings and Order of the Planning Commission.

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

#### **PUBLIC HEARING – V-04-4 VACATION OF BEEBE BOULEVARD, NORTH OF RIVERSTONE DRIVE;**

Mayor Bloem read the rules of order for this public hearing. Growth Services Director Gordon Dobler gave the staff report.

Mr. Dobler reported that the applicant, Rivermill Investments, LLC, is requesting the vacation of the portion of Beebe Boulevard lying north of Riverstone Drive and adjoining the westerly boundary of the Riverstone Development. The applicant is proposing to include this area within a parking area for a commercial development of the adjoining platted lots. A lot line consolidation has been completed merging the five adjoining lots into one lot that accesses from Riverstone Drive. Due to location of City utilities, easements will need to be retained over the utility lines. A total of two notices for this hearing were mailed, with one response in favor of the vacation being received.

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

Motion by Edinger, second by Goodlander, to approve the vacation of a portion of Beebe Boulevard, retaining easements.

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

**EXECUTIVE SESSION:** Motion by Reid, second 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 7:00 p.m. Members present were the Mayor, City Council, City Administrator, Finance Director and City Attorney.

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

No action was taken and the Council returned to regular session at 8:44 p.m.

Motion by Edinger, second by Goodlander, to direct the Legal Department to amend the agreement with Quane Smith regarding fees for legal services. Motion carried.

**ADJOURNMENT:** Motion by Wolfinger, seconded by Hassell, to recess this meeting to September 02, 2004 at 11:30 am in Council Chambers at City Hall for the Infill Regulations Workshop. Motion carried.

The meeting recessed at 8:45 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Kathy Lewis, Deputy City Clerk