

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL  
SEPTEMBER 5, 2006**

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 September 5, 2006 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

**INVOCATION** was led by Pastor Phil Muthersbaugh, LifeSource Community Church.

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

**PUBLIC COMMENTS:**

**MULLAN AVENUE:** Rolly Jergens, representing North Idaho College, requested that the Council not turn Mullan Avenue into a 3-lane roadway. He believes that this roadway receives a heavy amount of use and it would be a detriment to the NIC students if the west bounds lanes were reduced from two lanes to one lane. Councilman Goodlander noted that the Ped./Bike Committee has received several requests to improve the crosswalk at Memorial Field and noted that there is an additional entrance into NIC from River Avenue. Mr. Jergens believes that the crosswalk could be better identified by the use of plastic cones and flashing lights which would then not requiring reducing the west bound lanes.

**CITY BUDGET:**

Ron Catlin, 986 N. Victorian Drive, Cd'A expressed his appreciation to the staff and Troy Tymesen for all the work they have done with the budget and he appreciates that the City is only taking a 2% increase. Kelly Richards, 1460 E. Woodstone Drive, Hayden, representing Concerned Business of Idaho, expressed their appreciation for not taking the full 3% increase in the budget.

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

1. Approval of minutes for August 9<sup>th</sup> and 12, 2006.

2. Setting the Public Works Committee and General Services Committee meeting for September 11, 2006 at 4:00 p.m.
3. RESOLUTION 06-054: 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 FOR WATER SERVICE AND WAIVING OPPOSITION TO ANNEXATION WITH JEFF & PENNY DAVIS; APPROVAL OF S-2-03 – ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR THE LANDINGS AT WATERFORD, 4TH ADDITION AND AWARD OF BID AND APPROVAL OF CONTRACT WITH RED DIAMOND CONSTRUCTION, INC. FOR THE NORTHEAST WATER SYSTEM IMPROVEMENT PROJECT.
4. RESOLUTION 06-055: 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 2005-2006, 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, 2005:

**GENERAL FUND EXPENDITURES:**

Mayor and Council-----	\$	175,725	
Administration-----		418,320	\$ 452,320
Finance Department-----		645,185	
Municipal Services-----		<del>947,600</del>	966,477
Human Resources-----		221,017	
Legal Department-----		1,033,390	
Planning Department-----		432,142	460,142
Building Maintenance-----		335,153	
Police Department-----		<del>7,067,804</del>	7,133,176
K.C.J.A. Task Force-----		<del>24,140</del>	27,459
C.O.P.S. Grant-----		317,450	
Local Law Enforcement Grant-----		<del>75,347</del>	76,012

Byrne Grant-----	38,044	98,374
Fire Department-----	4,535,364	4,654,850
General Government-----	134,222	1,944,222
Growth Services-----	1,940,131	2,331,971
US Streets/Garage-----	2,537,143	2,602,143
Parks Department-----		1,205,176
Recreation Department-----	689,495	742,490
City Properties-----		251,697
<b>TOTAL GENERAL FUND EXPENDITURES:</b>	<b><u>\$23,024,545</u></b>	<b><u>\$25,674,429</u></b>

**SPECIAL REVENUE FUND EXPENDITURES:**

Library Fund----- \$	872,650	
Impact Fee Fund----- 1	1,972,000	
Parks Capital Improvements-----	370,000	1,089,000
Annexation Fee Fund-----	410,000	
Insurance / Risk Management-----	275,500	291,500
Cemetery Fund-----	262,332	
<b>TOTAL SPECIAL FUNDS:</b>	<b><u>\$4,162,482</u></b>	<b><u>\$4,897,482</u></b>

**ENTERPRISE FUND EXPENDITURES:**

Street Lighting Fund----- \$	491,711	531,711
Water Fund-----	9,234,473	
Wastewater Fund-----	15,523,459	
Water Cap Fee Fund-----	1,400,000	
WWTP Cap Fees Fund-----	4,234,109	
Sanitation Fund-----	2,701,122	2,901,122
City Parking Fund-----	472,249	
Stormwater Management-----	1,131,137	1,289,637
<b>TOTAL ENTERPRISE EXPENDITURES:</b>	<b><u>\$35,188,260</u></b>	<b><u>\$35,586,760</u></b>

TRUST AND AGENCY FUNDS:-----	780,407	2,431,40
STREET CAPITAL PROJECTS FUNDS:-----	2,016,580	1,597,780
2006 GO BOND CAPITAL PROJECT FUND:-	0-	4,200,376
DEBT SERVICE FUNDS:-----	1,428,674	2,504,674
<b>GRAND TOTAL OF ALL EXPENDITURES:</b>	<b><u>\$66,600,948</u></b>	<b><u>\$76,892,908</u></b>

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 11, 2006 and September 18, 2006.

BE IT FURTHER RESOLVED, that a Public Hearing on the Budget be held on the 19th day of September, 2006 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.

DATED this 5th day of August, 2006.

5. Approval of cemetery lot transfer from Margaret Osborne to Linda Schmidt.
6. Approval of beer/wine transfer from Timber Creek LLC to J & S Helmholz for Elmer's Restaurant.
7. Setting of Public Hearing for the vacation of 10' of undeveloped public access adjoining the easterly boundary of Lot 9, Block 2, Bentwood 3<sup>rd</sup> Addition for October 3, 2006.
8. Setting of public hearings for ZC-9-06 for October 3<sup>rd</sup> and appeal of ZC-6-06/PUD-3-06/SP-9-06/SP-11-06 for Nov. 7, 2006.

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

**COUNCIL ANNOUNCEMENT:**

**BIRTHDAY WISHES:** Councilman Reid wished her grandson, Riley Chase a Happy Birthday.

**SCHOOLS ARE NOW OPEN:** Councilman Edinger reminded the residents that school is now back in session and to please take care when driving.

**BOOK SALE:** Councilman Goodlander announced that the finale Front Porch book sale at the Library will be held next weekend.

ORDINANCE NO. 3267  
COUNCIL BILL NO. 06-1027

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING CHAPTER 8.20 ENTITLED SWIMMING POOLS BY REPEALING SECTION 8.20.060 ENTITLED PRIVATE POOL LOCATION; 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: Jon Ingalls reported that the proposed ordinance repeals the location requirements for the placement of residential pools since this regulation is covered in the Uniform Building Code.

Motion by Goodlander, seconded by Hassell to pass the first reading of Council Bill No. 06-1027.

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

Motion by Edinger, seconded by Goodlander to suspend the rules and to adopt Council Bill No. 06-1027 by its having had one reading by title only.

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

RESOLUTION NO. 06-056

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT WITH LAKES HIGHWAY DISTRICT FOR RAMSEY ROAD IMPROVEMENTS.

Motion by Reid, seconded by Kennedy to adopt Resolution 06-056.

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

**MULLAN AVENUE CROSSWALK:** Motion by Reid, seconded by Kennedy to approve the elimination of the inside westbound lane on Mullan Avenue at Memorial Field, to establish a painted median and to install pedestrian-activated flashers at the crosswalk as available monies are identified. **DISCUSSION:** Councilman Reid noted that the Fort Ground Homeowners Association has endorsed this proposal. Gordon Dobler, City Engineer, also noted that the westbound traffic on Mullan Avenue is at 1,900 per day and the east bound traffic is about 4,000 per day. Councilman Edinger asked Rolly Jergens what was NIC's main concern. Rolly Jergens responded that it was that of congestion. Councilman Reid noted that people do park in the "No Parking" zone since the fine is only \$15.00 and she suggested that maybe the no parking fines be reviewed. Motion carried.

**SIMS PROPERTY ANNEXATION:** Motion by Reid, seconded by McEvers to consent to the annexation of the Sims property and all property on the south side of Aqua Avenue between Government Way and US 95 by the City of Hayden. Motion carried.

**"NO PARKING" ZONE AT FEDERAL COURTHOUSE BUILDING ON 4<sup>TH</sup> STREET:** Motion by Reid, seconded by Goodlander to establish a "No Parking" zone adjacent to the Federal Courthouse on Lakeside Avenue and 4<sup>th</sup> Street and direct staff to prepare the necessary resolution/ordinance. Motion carried.

ORDINANCE NO. 3268  
COUNCIL BILL NO. 06-1016

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING THE ZONING CODE OF THE CITY OF COEUR D ALENE TO RENAME THE C-34 ZONING DISTRICT AS THE DOWNTOWN CORE ("DC") DISTRICT; RENAMING THE CENTRAL BUSINESS DISTRICT AS THE DC DISTRICT; AMENDING SECTIONS 17.05.330 AND 17.05.390

TO DELETE GROSS ACRE DENSITY INCREASES FOR AREAS WITHIN AND NEAR THE CENTRAL BUSINESS DISTRICT; AMENDING SECTION 17.05.370 TO SET HEIGHT LIMITS IN THE R-34 DISTRICT; AMENDING SECTION 17.05.650 TO SET OUT THE PURPOSE AND INTENT OF THE DC DISTRICT; AMENDING SECTION 17.05.660 TO ESTABLISH PROHIBITED USES IN THE DC DISTRICT; REPEALING SECTION 17.05.670 REGARDING ACCESSORY USES; REPEALING SECTION 17.05.680 REGARDING USES ALLOWED BY SPECIAL USE PERMIT; ADOPTING A NEW SECTION 17.05.685 TO ADOPT A BASE FLOOR AREA RATIO FOR THE DC DISTRICT AND TO ALLOW FOR ADDITIONAL FLOOR AREA RATIO THROUGH THE USE OF BONUS FEATURES; AMENDING SECTION 17.05.690 TO ESTABLISH A MAXIMUM BUILDING HEIGHT WITHIN THE DC DISTRICT; ADOPTING A NEW SECTION 17.05.695 TO REGULATE THE BULK AND SPACING OF LARGE BUILDINGS WITHIN THE DC DISTRICT; REPEALING SECTION 17.05.700 REGARDING IMPERVIOUS SURFACES; AMENDING SECTION 17.05.710 REGULATE MINIMUM LOT AREA AND FRONTAGE FOR RESIDENTIAL USES IN THE DC DISTRICT; ADOPTING A NEW SECTION 17.05.725 TO ESTABLISH PARKING RATIOS FOR THE DC DISTRICT; ADOPTING A NEW SECTION 17.05.727 TO ALLOW FEES IN LIEU OF PARKING SPACES IN THE DC DISTRICT; AMENDING ARTICLE "X" OF CHAPTER 17.09 TO ADOPT A DESIGN DEPARTURE PROCEDURE; ADOPTING A NEW SECTION 17.09.905 TO ESTABLISH THE PURPOSE FOR A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.910 TO REGULATE THE APPLICATION AND SUBMITTAL FOR A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.920 TO ESTABLISH PROCEDURES FOR CONSIDERATION OF A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.930 TO ESTABLISH REQUIRED FINDINGS FOR A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.940 GOVERNING APPEALS TO CITY COUNCIL FROM A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.950 TO REGULATE THE TERMINATION, AND REAPPLICATION OF A DESIGN DEPARTURE; AMENDING SECTIONS 17.44.030, 17.44.050, 17.44.060, 17.44.070, 17.44.080 AND 17.44.090 TO ALLOW PARKING REQUIREMENTS FOR INDIVIDUAL USES TO BE GOVERNED BY THE RELEVANT ZONING DISTRICT; AMENDING SECTION 17.44.240 TO ALLOW EIGHT (8') FOOT BY EIGHTEEN (18') FOOT PARKING STALLS IN THE DC DISTRICT; AMENDING SECTION 17.44.280 GOVERNING THE SIZE OF DRIVEWAYS AND TRAFFIC AISLES; REPEALING ARTICLE "V" OF CHAPTER 17.44; REPEALING SECTION 17.44.360 REGARDING THE SIZE OF PARKING STALLS; REPEALING SECTION 17.44.370 REGARDING DRIVEWAY WIDTHS; REPEALING SECTION 17.44.570 DEFINING THE CENTRAL BUSINESS DISTRICT; REPEALING SECTION 17.44.572 REGARDING FEES IN LIEU OF PARKING; 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 Hassell to pass the first reading of Council Bill No. 06-1016.

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

Motion by Edinger, seconded by Hassell to suspend the rules and to adopt Council Bill No. 06-1016 by its having had one reading by title only.

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

**PUBLIC HEARING - ANNUAL APPROPRIATION FOR FY 2006-2007:** Mayor Bloem read the rules of order for this public hearing. Troy Tymesen, Finance Director, gave the staff report.

Mr. Tymesen reported that the proposed budget is \$60,717,150 with a large amount of funding as part of the enterprise funds of Wastewater and Water. He noted that this financial plan includes the Council's top strategic goals including additional Police Officers, additional Firefighters, more part time Parks employees, enhancing customer service through technology, enhancing code enforcement as well as an additional Heavy Equipment Operator for the Street Department. He reviewed the sources that the City has available to obtain revenue, such as the 3% increase, new construction, new annexations, and forgone taxes. Additionally, he noted that the citizens approved two bonds one for the new Library and one for Public Safety. Mr. Tymesen then presented the proposed budget for Fiscal Year 2006-2007 which includes a reduction in the allowed 3% increase by \$117,000 by only taking a 2% increase of the General Fund. Ultimately, it is anticipated that the City's levy rate should be reduced by 19% from \$5.09/\$1,000 Net Valuation to \$4.10/\$1,000 Net Valuation for a home that has been assessed at \$250,000.

(Councilman Reid left the meeting at 7:10 p.m.)

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

ORDINANCE NO. 3266  
COUNCIL BILL NO. 06-1026

AN ORDINANCE ENTITLED "THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006" APPROPRIATING THE SUM OF \$60,718,150 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF COEUR D'ALENE FOR SAID YEAR; LEVYING A SUFFICIENT TAX UPON THE TAXABLE PROPERTY WITHIN SAID CITY FOR GENERAL REVENUE PURPOSES FOR WHICH SUCH APPROPRIATION IS MADE; LEVYING SPECIAL TAXES UPON THE TAXABLE PROPERTY WITH SAID CITY FOR SPECIAL REVENUE PURPOSES WITHIN THE LIMITS OF SAID CITY OF COEUR D'ALENE, IDAHO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Edinger, seconded by Hassell to pass the first reading of Council Bill No. 06-1026.

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

Motion by Hassell, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 06-1026 by its having had one reading by title only.

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

**EXECUTIVE SESSION:** Motion by Goodlander, 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 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: Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Edinger, Aye; Hassell, Aye. Motion carried.

The Council entered into Executive session at 7:20 p.m. Members present were the Mayor, City Council, City Administrator, Deputy City Administrator, City Attorney and Finance Director.

Matters discussed were those of hiring, litigation, and property acquisition. No action was taken and the Council returned to their regular meeting at 8:15 p.m.

**LCSC TO PURCHASE PROPERTY:** City Administrator Wendy Gabriel presented a proposal from Lewis and Clark State College to purchase certain City property.

**ADJOURNMENT:** Motion by Edinger, seconded by Kennedy that this meeting be recessed to September 18, 2006 at 11:30 a.m. Motion carried.

The meeting recessed at 8:20 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, CMC  
City Clerk