

**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 21, 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, September 21, 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: The meeting was called to order by Mayor Bloem.

INVOCATION was led by Pastor Paul Van Noy, Candlelight Church.

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

PRESENTATION – COEUR D'ALENE DOWNTOWN ASSOCIATION ANNUAL REPORT: Ed Muehlbach, President of the Downtown Association, presented the annual report for the Coeur d'Alene Downtown Association. He reported that the Association has rewritten their bylaws, completed their financial audit, and completed their prior established goals. The Association had hired the Hudson Company to create a new 5-year strategic plan, which has been approved by the Association. Carrie Cook, Association Manager, highlighted their 5-year plan, which includes several themes such as vibrancy, connectedness, economic vitality, and excellence. She reported that the events in the summer all went very well and thanked Sgt. Langley, Kathy Lewis, Jon Ingalls, Sheri Carroll, and Janet Flerchinger. Council President Reid commended the Downtown Association for their excellent job in creating a new vitality in this core area. Councilman Goodlander commended Carrie Cook for all her work for the Association.

CITIZEN QUESTION: The question this meeting was “What are Ad Valorem Taxes?” Finance Director, Troy Tymesen, explained that Ad Valorem Taxes is Latin, meaning “according to value”. City taxes are based on the value of property within the City.

PUBLIC COMMENTS:

GARBAGE CONTAINERS: Jerry Mote, W. Fairway Drive, spoke in opposition to the new garbage totes and opposes being charged for the use of the totes. He asked that the City pick up the tote dropped off at his house and allow him to use his own garbage cans. Council President Reid explained that the tote system was established as a means to reduce workmen's compensation claims by the garbage haulers. Councilman McEvers suggested getting a smaller tote. Mr. Mote responded that the smaller tote is just a smaller version of

the larger ugly totes. He also suggested that the City remove the garbage charges from his utility bill and he will haul the garbage himself.

CANFIELD MOUNTAIN OPEN SPACE: Jim Pierce, 3846 Miners Loop, updated the Council on available open space that is available both within the city and outside its limits. He reported that they have circulated the survey asking residents if they would be willing to pay additional property taxes to purchase open space on Canfield Mountain and the majority were in favor of this concept. He proposed that the G.O. Bond election also contain increasing the property taxes to pay for the Canfield Mountain open space. He stated that his group would campaign to have the G.O. Bond pass if the Council would include this issue on the ballot. Motion by Reid, seconded by Wolfinger to refer this issue to staff to further research in order to see how this issue can be funded and bring it back to General Services in an expedient manner. Motion carried.

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

1. Approval of minutes for September 2, 7, 14, 2004.
2. The Public Works Committee and General Services Committee meetings are scheduled for September 27th at 4:00 p.m.
3. RESOLUTION 04-083: 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 THE DESTRUCTION OF RECORDS AS REQUESTED BY THE POLICE, HUMAN RESOURCES AND MUNICIPAL SERVICES DEPARTMENTS; APPROVAL OF S-1-94 FINAL PLAT APPROVAL WITH SUBDIVISION IMPROVEMENT AGREEMENT FOR COEUR D'ALENE PLACE 13TH ADDITION, APPROVAL OF S-5-03 FINAL PLAT APPROVAL WITH SUBDIVISION IMPROVEMENT AGREEMENT FOR SUNSHINE MEADOWS 3RD AND 4TH ADDITIONS AND RATIFYING AN AGREEMENT WITH RICHARD AND ANNE DUSSELL FOR WAIVER OF OPPOSITION TO ANNEXATION FOR 1433 S. FAIRMONT LOOP.
4. Bid Award – Fire Department Sprinkler/Fire Safety House.
5. Approval of Request for Proposals specifications for Tubbs Hill Reservoir Replacement and authorize staff to advertise for proposals.
6. Approval of Cemetery Lot repurchase from Betty Westover.
7. Approval of bills as submitted.
8. Approval of Beer/Wine license for “The Produce Guys” at 280 E. Kathleen Ave.

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

MAYOR'S ARTS AWARDS: Councilman Wolfinger announced that the Mayor's Arts Awards will be held this Thursday at Cd'A Inn. As an added highlight before the awards ceremony, a tour of the granite benches will be conducted beginning at the Cd'A Inn at 4:00 p.m.

RACE FOR THE CURE: Councilman Wolfinger announced that the Susan B. Komen Race for the Cure will be held this Sunday.

IDAHO ASSOCIATION OF COUNTIES CONFERENCE: Councilman Wolfinger welcomed the IAC members to Coeur d'Alene for their Fall Conference this week.

FIRE DEPARTMENT OPEN HOUSE: Councilman Edinger announced that the Fire Dept. will be holding their annual open house this Saturday at Fire Station 3. There will be demonstrations, programs, displays, extinguisher presentations and blood pressure screening from 10 a.m. - 2 p.m. Councilman Goodlander attended this event last year and enjoyed the kids going through the obstacle course wearing the fire fighters gear.

EXECUTIVE TEAM REPORT: On behalf of the Executive Team, Wendy Hague, announced that if you would like to improve your computer skills or learn more about using e-mail and the Internet, the Coeur d'Alene Public Library offers free computer classes, for schedules and class information, contact Christopher Brannon, Information Services Coordinator, 208/769-2315 or visit the Library website at www.cdalibrary.org. The Entertainment 2005 book with discount coupons from North Idaho and Eastern Washington businesses is available for \$30 at the Coeur d'Alene Public Library, 201 E. Harrison Ave. Noted artist and author Richard Schmid will lecture and present a slide program Friday, Sept. 24, 1:30-3:30 p.m. in the Lake Coeur d'Alene Room of the Edminster Student Union at North Idaho College. Tickets are \$15 with proceeds benefiting the Coeur d'Alene Public Library Foundation. The next session of Signing Babies will be offered at the Library on Monday, Sept. 27, at 9 a.m. The class is free, but pre-registration is required. Fall Reading Programs continue through Nov. 19 at the Coeur d'Alene Public Library, 201 E. Harrison Ave. Programs are available for groups, ages newborn to 16, in 15 weekly sessions. Each program includes age-specific stories songs, crafts, experiments and other activities. The next "Reading Lewis and Clark" free reading and discussion group will review the book "Essential Lewis and Clark." Monday Sept. 27, at 7 p.m. at the Library. A calendar featuring familiar community residents portraying the titles of classic literature is in the works to raise funds for the new Coeur d'Alene Public Library. The Calendar will be available in October and will sell for \$15. The Coeur d'Alene Street Maintenance Department will be conducting a "Name the Winter Storms" contest in conjunction with a visit to Fernan Elementary School on Thursday, October 7th. Third grade students from both Fernan and Sorensen Elementary Schools will participate in the visit and contest. The state will be advertising the Government Way project starting on September 27th. The bids will be opened on October 19th. The first work to be done will be conversion of the Appleway signal to video detection so that it can remain functional during construction. The major portion of the work is expected to start in the spring. A project for the city's Pedestrian/Bicycle Committee is the widening and eventual construction of a bike path on 15th Street from I-90 north to Best Avenue. Widening of the west side of 15th was completed earlier this summer. Tomorrow, Street Maintenance Department crews will complete efforts to widen the east side of 15th along this stretch. Swim lessons and gymnastics programs started this past weekend. Youth basketball registration is now under way.

APPOINTMENT – CHILDCARE COMMISSION: Motion by Wolfinger, seconded by Reid to appoint Brett Walton to the Childcare Commission. Motion carried.

PURCHASE OF TOPDRESSER/SPREADER: Motion by Hassell, seconded by Wolfinger to approve the Parks Department's purchase of a topdresser/spreader for \$6,800.00. Motion carried.

RESOLUTION 04-084

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR A TOPOGRAPHIC SURVEY, WITH FRAME & SMETANA, P.A., ITS PRINCIPAL PLACE OF BUSINESS AT 603 N. 4TH STREET, COEUR D'ALENE, IDAHO 83814.

Motion by Hassell, seconded by Wolfinger to adopt Resolution 04-084.

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

ORDINANCE NO. 3188

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO BY AMENDING SECTION 2.08.020 BY ADDING ELECTION OF CITY COUNCIL MEMBERS BY ASSIGNED SEAT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF.

Motion by Wolfinger, seconded by to pass the first reading of Ordinance No. 3188.

DISCUSSION: Councilman Wolfinger noted that some of the advantages to going by assigned seat is that, if a incumbent does not have any challengers, they would not have to campaign. Councilman McEvers feels that by doing elections by seat you would stand on your record and believes that this system is the way to go. Councilman Hassell pointed out that the current horse race system is confusing to some people. Councilman McEvers pointed out that the Mayor has to run for that designated position. Councilman Goodlander believes that, this would give the voters a choice and possibly provide a better opportunity for individuals to run for Council.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3188 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.

ORDINANCE NO. 3189

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING CHAPTER 8.25 TO DESIGNATE SECTION 8.25.035 AS 8.25.030 AND BY ADDING A NEW SECTION ENTITLED "DIVING PROHIBITED" TO BE DESIGNATED AS SECTION 8.25.035, 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 Hassell to pass the first reading of Ordinance No. 3189.

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

Motion by Wolfinger, seconded by Edinger to suspend the rules and to adopt Ordinance No. 3189 by its having had one reading by title only.

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

ORDINANCE NO. 3191

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING AN ALLEY IN THE GRIDLEY ADDITION SUBDIVISION, SITUATED IN SECTION 12, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, AND, RECORDED IN BOOK "C" OF PLATS, PAGE 77, RECORDS OF KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by Edinger to pass the first reading of Ordinance No. 3191.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3191 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.

RESOLUTION 04-085

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR LONGITUDINAL EASEMENT FOR THE BEEBE BOULEVARD/CENTENNIAL TRAIL GRADE CROSSING, WITH BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY.

Motion by Reid, seconded by Hassell to adopt Resolution 04-085.

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

PUBLIC HEARING – AMENDING 2003-04 ANNUAL APPROPRIATION: Mayor Bloem read the rules of Order for this public hearing. Troy Tymesen, Finance Director, gave the staff report.

He noted that reported that this year's budget is being amended by approximately \$2.2 million, which is approximately the same amount that was amended for in the previous year. He noted that the City did spend more money in street overlay this year due to the funds not being spent in the previous year. The Council did acquire the property on Ramsey Road in cooperation with Lake City Development Corporation. A new program for employees is the employee Medical Savings Plan. There was a savings in the Medical Insurance program. He added that this year's Building Inspection fees were higher than projected. All these changes equate to the ability to not have to use the Fund Balance. He believes that the Fund Balance would provide for 14% of the General Fund balance due to the responsible spending by Department Heads. Troy explained that the Fund Balance is basically a savings account, which allows the City to carry the City's operations from December through January without calling for a Tax Anticipation Note.

DISCUSSION: Councilman Wolfinger pointed out that the Street Lighting account is not breaking even and asked if this is something that the Council needs to address. Mr. Tymesen believes that street lighting would probably need a rate change to bring it into the black.

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

ORDINANCE NO. 3190

AN ORDINANCE AMENDING ORDINANCE 3136, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003 APPROPRIATING THE SUM OF ~~\$60,379,712~~ \$62,621,745, WHICH SUM INCLUDES ADDITIONAL MONIES RECEIVED BY THE CITY OF COEUR D'ALENE IN THE SUM OF \$2,242,033; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Wolfinger, seconded by Reid to pass the first reading of Ordinance No. 3190.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3190 by its having had one reading by title only.

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

PUBLIC HEARING – O-3-04 – INFILL REGULATIONS: Mayor Bloem read the rules of order for this public hearing. Dave Yadon, Planning Director, gave the staff report.

Mr. Yadon briefly reported that for some time the City has struggled with creating desirable infill projects around the edge of the downtown core. The City in partnership with Lake City Development Corporation retained LMN Architects to evaluate methods of stimulating infill developments and to prepare draft regulations. Following input from the Planning Commission, Lake City Development Corporation and other community stakeholders the proposed regulations are being presented tonight for Council consideration.

He noted that the City's current regulations were adopted in the early 1980's and were based in large part on older zoning principles. The rules are not conducive to stimulating infill development. The proposed regulations would provide developers with the tools needed to build high quality mixed-use developments consistent with the City's vision for this area. He added that the infill regulations should contribute to the vitality of the downtown core by attracting more people to live, work and shop in the downtown area.

DISCUSSION: Councilman McEvers asked if there is an avenue for people to change changes, amend things. Mr. Yadon responded that the Design Review Commission is being created for any developer that wishes to go "outside the box" to present their request, which could be appealed to the Council. Councilman Goodlander noted that these proposed changes are designed for specific areas in the downtown/midtown area. She applauded the process, which she believes provides a real opportunity for people to do extraordinary things. Council President Reid noted that the beauty of these regulations is that it is very user friendly and is very innovative and gives developers the flexibility to develop the designated areas. Councilman Wolfinger noted that it deals with infill only and does not address the direction of traffic on 3rd and 4th Streets.

PUBLIC COMMENTS: Dennis Cunningham, 401 Sherman, spoke in support of the proposed regulations and believes that it will be very well received in the community. He also believes that this will provide an opportunity to capture some of the County's growth into the downtown area. Council President Reid noted that it is the City's intent is that as we see these regulations working, we expand them out further into the community. Ron Buffet, 118 N. 8th Street, asked what is happening with his property and where can he

find this information. Mayor Bloem noted that he could go to the City's web where there are maps or he may contact Dave Yadon our Planning Director.

MOTION: Motion by Reid, seconded by Goodlander to approve the proposed infill regulations, direct staff to prepare an ordinance and resolution for infill regulations and set the public hearing for the appeal fees for October 5, 2004.

DISCUSSION: Councilman McEvers asked if you are in a district, are these regulations going to affect an individual property. Dave responded that only if you proposed to change your property. Councilman McEvers asked what if it is for an empty lot next to me. Dave responded that the proposed regulations and guidelines are more protective to existing property than the current regulations. He added that you can still construct a single-family home in these districts and that these regulations protect from large commercial uses.

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

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

Matters discussed were those of property acquisition, personnel, and litigation.

No action was taken and the Council returned to regular session at 8:29 p.m.

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

The meeting recessed at 8:30 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk