

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL  
OCTOBER 3, 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 October 3, 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.

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

**PROCLAMATION – PHYSICAL THERAPY MONTH:** On behalf of Mayor Bloem Councilman Hassell read the proclamation declaring October as “Physical Therapy Month” in the City. Dirk Baird accepted the proclamation.

**PRESENTATION – SUMMER CONCERT SERIES:** Chris Guggemos, Handshake Productions, who has been producing the City Park Summer Concert Series since 1995, presented a plaque to the City Parks Department for their support in making the Summer Concert Series such as success.

**PUBLIC COMMENTS:**

**CITIZEN CONCERNS:** Harold Hocker, 1413 E. Spokane Avenue, Coeur d'Alene, voiced his concerns of having the existing homeowners paying for development. He also suggested the newspaper provide explanations as to why court fines differ for different people.

**FIRE PREVENTION WEEK:** Deputy Fire Chief Dan Cochran, announced that October 8<sup>th</sup> through the 14<sup>th</sup> is “Fire Prevention Week”. Due to the recent fire-related deaths of three children, he urged parents to bring their children to the Fire Department if they see their children playing with matches. The Fire Department would also like to reinstate the fire-safety inspections of commercial and multi-residential buildings. Mayor Bloem suggested that the Fire Dept. be a guest on her monthly show.

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

1. Approval of minutes for September 18<sup>th</sup> and 19<sup>th</sup>, 2006.
2. Setting the Public Works Committee and General Services Committee meeting for October 9, 2006 at 4:00 p.m.
3. RESOLUTION 06-062: 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 AMENDMENT TO THE POLICY – SIDEWALK FOOD AND BEVERAGE SERVICE AREAS; APPROVAL OF AN AMENDMENT TO THE POLICY – CDATV OPERATIONAL POLICIES AND PROCEDURES; APPROVING THE ANNUAL RENEWAL OF THE SCHOOL RESOURCE OFFICER AGREEMENT WITH SCHOOL DISTRICT 271 FOR THE 2006/2007 SCHOOL YEAR; APPROVAL OF S-10-02 – ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR VILLAGE 10TH ADDITION; APPROVAL OF S-6-04 – FINAL PLAT APPROVAL AND ACCEPTANCE OF IMPROVEMENTS WITH MAINTENANCE / WARRANTY AGREEMENT FOR ORCHARD LANDS, 1ST ADDITION; ACCEPTANCE OF BID AND APPROVAL OF AN AGREEMENT WITH WESTERN STATES EQUIPMENT FOR THE PURCHASE OF EMERGENCY GENERATOR FOR THE WWTP AND ACCEPTANCE OF BID AND APPROVAL OF AN AGREEMENT WITH SIEMANS WATER TECHNOLOGIES FOR PURCHASE OF POLYMER EQUIPMENT FOR THE WWTP.
4. Approval of bid specifications and authorization for staff to advertise for bids for Fire Station #2 Remodel and Training Facility construction.
5. SS-13-06 - Final Plat approval for Royal Crown Condominiums.

**DISCUSSION:** Captain Childers explained the terms Juvenile Crimes Unit, School Resource Officers and D.A.R.E. Officers as requested by Councilman Goodlander.

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

**COUNCIL ANNOUNCEMENT:**

**LIBRARY FUND RAISER:** Councilman Goodlander announced that on Oct. 8<sup>th</sup>, the Library along with Coeur d'Alene Homes will hold an auction with the sale of artwork. The fund raiser is called "It was a very good year". There are only 300 tickets available which can be obtained at the Library Foundation office.

**SANDERS BEACH:** Due to recent articles in the newspaper, Councilman Reid explained why the Council pursued the court action to determine the public/private property lines on Sanders Beach. She noted that negotiations have been going on for 14-15 years. In 2004, due to a number of factors including a turn over of ownership of the homes along E. Lakeshore Drive, the situation escalated between the public and private

property owners where the owners were calling the police to arrest citizens for trespass. The problem was in determining where the public property and private property line lies. Since 1991, the City has been trying to negotiate with the homeowners over the use of Sanders Beach. The City has also tried to negotiate the purchase of Sanders Beach; however, not knowing where the property line lies, it is not possible to negotiate the purchase of any property. So, in 2004, the City filed a friendly lawsuit to determine where the public/private property line actually is. The first judgment declared that private property is along the seawall. However, the homeowners appealed this decision and the Supreme Court declared that the public/private property line was at 2,128 feet.

**CDA TV VOLUNTEER:** Councilman McEvers introduced Josh Monteith who is CDATV's first volunteer. He recently graduated from Coeur d'Alene High School and is taking this year off until he goes to college next year. He has an interest in media and decided to volunteer his talents and time to CDATV.

**THE HIGH IS A LIE PROGRAM:** Councilman Reid announced that CDATV is running a program called The High is a Lie. The schedule is on the City's web site. She urged every citizen to watch this very informative and educational program about the effects of methamphetamines.

**APPOINTMENT - URBAN FORESTRY COMMITTEE AND LIBRARY BOARD:** Motion by Goodlander, seconded by Edinger to appoint Michael Cooper to the Urban Forestry Committee and Katie Saylor to the Library Board. Motion carried.

**POLICE DEPT. UNIFORMS - CHANGE IN COLOR:** Lieutenant Lee Brainard modeled the proposed uniform for the Police Department. Captain Steve Childers reported on the process the Police Department completed in order to propose the new uniform. He further noted that the old uniforms could possibly be used for the Youth Police Explorer program; however, one concern raised was the confusion it might cause the public. Motion by Goodlander, seconded by Hassell to approve changing the color of the City's Police uniforms. Motion carried.

#### RESOLUTION NO. 06-063

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT TO PURCHASE THE ARMSTRONG PARK WATER SYSTEM BUSINESS FROM DEVELOPMENT CONCEPTS, INC, AND AUTHORIZING AN AGREEMENT WITH THE ARMSTRONG PARK HOMEOWNERS ASSOCIATION TO ACQUIRE THEIR INTEREST IN THE WATER SYSTEM.

Motion by Reid, seconded by Kennedy to adopt Resolution 06-063.

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

ORDINANCE NO. 3272  
COUNCIL BILL NO. 06-1032

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM MH-8 (MOBILE HOME AT 8 UNITS PER GROSS ACRE) TO R-12 (RESIDENTIAL AT 12 UNITS/ACRE) AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: TRACT 54, FRUITLANDS ADDITION IN THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 50N, RANGE 4W, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; MORE SPECIFICALLY KNOWN AS A +/- 1.82 ACRE PARCEL AT 3615 N. FRUITLAND LANE; 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 Reid to pass the first reading of Council Bill No. 06-1032.

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

Motion by Edinger, seconded by Goodlander to suspend the rules and to adopt Council Bill No. 06-1032 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 - V-06-3 - VACATION OF UNDEVELOPED 10' PUBLIC ACCESS ADJOINING THE EASTERLY BOUNDARY OF LOT 9, BLOCK 2, BENTWOOD PARK, 3<sup>RD</sup> ADDITION:** Mayor Bloem read the rules of order for this public hearing. Gordon Dobler, Growth Services Director, gave the staff report.

Mr. Dobler gave the applicant's name as Charles Harzke, the location as the 10' public pedestrian access adjoining the easterly boundary of Lot 9, Block 2 in the Bentwood Park, 3<sup>rd</sup> Addition and the reason for the request as a vacation of the pedestrian access.

Mr. Dobler reported that this pedestrian access was a component of the Bentwood Park 3<sup>rd</sup> Addition preliminary subdivision plat that was approved in 1999. Due to the fact that this pedestrian access was never developed and it is not being utilized for the original intended purpose, coupled with the location of the 20<sup>th</sup> Street connection to Thomas Lane 430' to the east, vacating this parcel to the adjoining property owner should not have any adverse effect on the development or pedestrian movement in this subdivision. He

reported that 28 notices of this public hearing were sent out with 3 responses being received, one with a written comment.

**PUBLIC COMMENTS:** Chuck Harzke, 1942 E. Preakness Avenue, applicant, reported that in order to add a pedestrian sidewalk the electrical utility would have to be moved as well as some large trees. He would like to build a fence on this property and retain the trees and utility boxes in their existing location. Diana Raess, 2107 E. Thomas Lane, asked, if the vacation goes through and since she abuts the property, would she get half the property. If the vacation does go through, is there a survey team that would re-survey the property. Also, she asked if the vacation does go through, does the property get recorded at the County Recorders Office. Gordon Dobler responded that the property in question came entirely from the original Bentwood 3<sup>rd</sup> Addition subdivision and did not come off of the Beauty Park Subdivision or Bentwood Park 5<sup>th</sup> Addition subdivision as dedicated on the plats.

**DISCUSSION:** Councilman Kennedy asked what happens with the southern portion of the 10' pedestrian right-of-way. Mr. Dobler noted that since Beauty Park was a different subdivision as was Bentwood Park 5<sup>th</sup> Addition, staff is recommending vacating the full 10' to Lot 9 in Bentwood 3<sup>rd</sup> Addition since this is where the 10' right-of-way was originally dedicated.

Motion by Goodlander, seconded by Edinger to continue this public hearing to October 17, 2006. Motion carried.

**PUBLIC HEARING - ZC-9-06 - ZONE CHANGE AT 308 HAYCRAFT AVENUE:** 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 Becky Randles, the location as an approximate 10,367 sq. ft. parcel located at 308 W. Haycraft and the reason for the request as a zone change from R-12 to C-17L.

He went on to give the staff analysis for land use/neighborhood characteristics, Comprehensive, utilities, and streets/traffic. The Planning Commission heard this request on August 22, 2006 and recommended approval of this zone change by a vote of 3-0. On September 15, 2006 a total of 41 notices of this public hearing were mailed with responses being received 2 - 0 in favor, 1 opposed, 1 neutral. Written comments were distributed for Council review.

**PUBLIC COMMENTS:** Becky Randle, 6744 E. Eden Court, Rathdrum, representing Holiday Gas Station Store, distributed a copy of the proposed site plan for the subject property which included widening the entrance/exit access and adding parking spaces to accommodate both patrons and employees. She noted that the fencing and landscaping that currently exists would be done at the new property lines if the zone change is

approved. She also noted that the owners would save as many trees as possible on this property.

**MOTION:** Motion by Reid, seconded by Hassell to approve the zone change from R-12 to C-17L at 308 W. Haycraft and to adopt the Findings and Order of the Planning Commission.

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

**PUBLIC HEARING - AMENDING/CREATING VARIOUS CITY FEES:** Mayor Bloem read the rules of order for the public hearing. Finance Director Troy Tymesen gave the staff report.

Mr. Tymesen reported that the City Departments recently completed a review of their fee structures to assure that the various fees are current with the actual cost for services/materials being provided. As a result of that review the following fees are being recommended for adoption.

Traffic School Fee - \$75.00: This is a new program initiated by the Police Department. The proposed fees will cover administrative costs, 4-5 hours of Officer time and class materials/supplies.

Fire Prevention Plan Review Fee - \$50.00/5,000 sq.ft. up to a fee maximum of \$500.00: This is a new set of fees requested by the Fire Department to cover the administrative costs including plan reviews, inspections of buildings for Fire Code Compliance, review of fire alarms, fire sprinkler and fire pump system plans and installation and issuing permits for construction and operations regulated by the International Fire Code. The fees will range from the current \$2.00 for a yard waste burn permit up to a maximum of \$500.00 for a structural plan review.

CPR Class Fees - \$20.00 for residents; \$25.00 for non-residents: CPR Classes are a new training program offered by the Fire Department to area residents. The fee proposed will help defray the cost for the administration of the program including materials and supplies.

CDA TV - DVD reproduction costs - \$30/program to be copied: The CDATV Committee is proposing a fee of \$30.00 per program for copying fees based on the following computations: \$10.00 material cost to cover the DVD's, labels, sleeves or cases. \$20.00 for hardware costs, installation and maintenance of equipment. Based on a projected life expectancy of 2 years, it would take approximately 58 copies over a 24-month period to break even, or 2.4 copies per month every month.

Labor costs for location and copying documents: This is a new fee that is allowed by I.C. 9-338(8)(a) which provides that a public agency may establish a fee to recover the actual labor costs associated with locating and copying documents if the request is more than 100 pages, or the request includes records from which nonpublic information must be

deleted, or the actual labor associated with locating and copying documents for a request exceeds 2 person hours. Since it is “actual labor costs”, there is no set amount because the cost would be determined by the employee performing the work. Therefore, tonight’s request is to establish the authority for the City to recoup the actual labor costs as provided by the above noted Idaho Code.

Design Departure Process fee - \$200.00: As a result of the recent adoption of the Downtown Design Standards, this fee is established to cover the processing costs of the newly established Design Departure Procedures.

Bulk water use fees: Permanent Stations - \$25.00 key deposit and \$1.11/1,000 gallons of bulk water drawn; Portable Stations - \$25.00 monthly rental fee, \$100.00 installation fee, \$600.00 damage deposit and \$.70/1,000 gallons of bulk water drawn: The proposed bulk water program was presented to and approved by the City Council on July 18<sup>th</sup>, 2006. The proposed fees will cover the costs of administration, equipment and water needed to implement this new program.

Plotted city maps fees: Normal Quality - \$4.00/foot; High Quality - \$5.00/foot: Engineering, Planning and other departments provide a number of map products for the public that are plotted on a HP 1055CM plotter. Some of these map products such as zoning and city maps have traditionally had a set fee based upon printing costs; the remaining maps have not had specific fees established. A per foot fee has been calculated on updated costs of paper and ink that will be applied to all plotted maps.

Increasing Field Lighting Fee from \$20.00/hr. to \$30.00/hr.: This fee was last increased 5 years ago. With the increase in energy, personnel, mileage and sales tax the cost to turn on the lights for one hour is approximately \$19.00/hour. Staff is recommending an increase to \$30.00/hour. This would allow funds for future costs increases and bulb replacement.

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

#### RESOLUTION NO. 06-064

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING AND AMENDING VARIOUS FEES.

Motion by Hassell, seconded by Edinger to adopt Resolution 06-064 as amended.

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

**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 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: McEvers, Aye; Reid, aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye. Motion carried.

The Council entered into Executive session at 7:43 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 and litigation. No action was taken and the Council returned to their regular meeting at 8:15 p.m.

**FEDERAL COURTHOUSE PROPERTY DISPOSITION:** The Council discussed the U.S. General Services Administration's property disposition process of the existing courthouse after they vacate the premises.

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

The meeting adjourned at 8:30 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, CMC  
City Clerk