

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 17, 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 17, 2006 at 6:00 p.m., there being present upon roll call the following members:

Loren R. Edinger, Mayor Pro Tem

Al Hassell)	Members of Council Present
Woody McEvers)	
Loren Edinger)	
Dixie Reid)	
Mike Kennedy)	

Deanna Goodlander)	Members of Council Absent
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CALL TO ORDER: The meeting was called to order by Mayor Pro Tem Edinger.

INVOCATION was led by Pastor Jonathan Owens, Heart of the City Church.

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

PRESENTATIONS:

PROCLAMATION - "United Way of Kootenai County Week": Councilman Kennedy read the proclamation on behalf of Mayor Bloem proclaiming the week of October 23rd as "United Way of Kootenai County Week" in the City. Caryl Johnston, Executive Director of United Way, accepted the proclamation. Donna Beaumont, Campaign Chairman, expressed her appreciation for living in Coeur d'Alene and being Chairperson.

PUBLIC COMMENTS:

KATHLEEN AVE./HOWARD ST. INTERSECTION: Tom George, 3948 N. Magnuson St., expressed his concern for the safety of residents who travel along Kathleen Avenue, especially at the intersection of Howard Street and Kathleen Avenue. Because of the increased businesses and the Coeur d'Alene Charter Academy at this intersection, he requested that a traffic control signal be installed at this intersection. City Engineer Gordon Dobler commented that the conduits for signalization at this intersection are currently in place. He added that this intersection is on the 5-year Capitalization Plan for signalization. Mr. Dobler explained the different ways a determination is made for the installation of traffic control signals. He indicated that the issue could go back to the Public Works Committee with a staff report. Councilman Reid noted that this item will be added to the Public Works Committee for November 13th.

TRAFFIC FLOW ISSUES: Pat Cully, 503 W. Vista Drive, expressed her concerns over the traffic flow throughout the City. She suggested changing the traffic signal patterns to improve left turn lanes. Councilman Reid asked City Engineer, Gordon Dobler, to look into this issue.

TRAFFIC ISSUES AND IMPACT FEES: Harold Hocker, 1413 E. Spokane Avenue, voiced his concerns on the signals at 4th and Best, Kathleen Avenue and US 95 and Gov't Way and Appleway. Regarding Impact Fees, he commented that he believes that the builders should pay impact fees and homeowners should not be paying for this impact through property taxes because schools do not get any impact fees.

CONSENT CALENDAR: Motion by Reid, seconded by Kennedy to approve the Consent Calendar including the rescheduling of the public hearing for Active West Development (ZC-6-06, PUD-3-06, SP-11-06, S-9-06) for December 5, 2006.

1. Approval of minutes for October 3, 2006.
2. Setting of the Public Works Committee and General Services Committee meetings for October 23, 2006 at 4:00 p.m.
3. RESOLUTION 06-65: 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 CHANGE ORDERS ONE (1) AND TWO (2) FOR PLANNED ENGINEERING CONSTRUCTION, INC. FOR CIPP PROJECT AND AWARD OF BID AND APPROVAL OF A CONTRACT WITH THORCO, INC. FOR THE RAMSEY II FIELD LIGHTING AND SCOREBOARD.
4. RESOLUTION 06-066: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO APPROVING A REVISED STANDARD DRAWING FOR PUBLIC WORKS CONSTRUCTION.
5. RESOLUTION 06-067 - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO DECLARING AN ANNUAL LEAF OR GARDEN WASTE COLLECTION.
6. Approval of beer/wine license for Bambino's Pizza and Gelato at 726 N. 4th and a beer/wine license for Daisy J's at 5417 Gov't Way, No. 3.
7. V-06-5 – Setting a public hearing for the vacation of undeveloped right-of-way in in the Woodland Estates Subdivision for Nov. 21, 2006.
8. Setting of Public Hearing for ZC-10-96 (1101, 1103, 1113 W. Davidson) for December 5, 2006.
9. Approval of bills as submitted and on file in the office of the City Clerk.
10. SS-16-06 – Final plat approval for Autumn Crest Condominiums
11. SS-19-06 – Final plat approval for Aspen Creek Village Condominiums.

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

COUNCIL ANNOUNCEMENTS;

ADDRESSING 3RD GRADE CLASS: Councilman Kennedy reported that he was invited to speak to Mrs. Marano and Mrs. Olins 3rd Grade City Government Class, which yielded some very interesting questions such as who drives the snow plows and how much money did Councilman Kennedy earn as a City Councilman.

BMX FUNDRAISER: Councilman McEvers announced that the BMX Freestyle group is holding a fundraiser on October 28th at the Skateboard Park. Besides exhibition freestyle BMX events, they will be showing smaller children how to do freestyle. The proceeds from this event will go to the construction of a BMX Freestyle Park.

TUBBS HILL CLEANUP: Councilman Edinger announced that this Saturday, October 21st, at 9:00 a.m., Starbucks will sponsor the annual cleanup of Tubbs Hill. They will donate \$10 for each person who helps clean Tubbs Hill. The proceeds will go to the Tubbs Hill Foundation. Starbucks will also be serving coffee to the participants.

COMMITTEE APPOINTMENTS: Motion by Hassell, seconded by Kennedy to reappoint James Hail to the Civil Service Commission, to appoint Dennis Leming to the Cemetery Advisory Board and appoint Mark Altman to the Youth Advisory Council. Motion carried.

ORDINANCE NO. 3272
COUNCIL BILL NO. 06-1029

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING MUNICIPAL CODE SECTION 12.20.010 TO ALLOW THE CITY ENGINEER TO REQUIRE PROPERTY OWNERS TO CONSTRUCT AND MAINTAIN SIDEWALKS ABUTTING THEIR PROPERTY AS REQUIRED BY CITY CODE; REPEALING SECTION 12.20.020; REPEALING SECTION 12.20.030 AND ADOPTING A NEW SECTION 12.20.030 TO REQUIRE THE CITY ENGINEER TO NOTIFY PROPERTY OWNERS OF SIDEWALKS THAT NEED TO BE CONSTRUCTED, REPAIRED OR REPLACED AND ALLOWING UP TO 365 DAYS TO COMPLETE THE WORK; REPEALING SECTION 12.20.040 AND ADOPTING A NEW SECTION 12.20.040 TO REQUIRE THAT NOTICE BE PROVIDED BY CERTIFIED MAIL; REPEALING SECTION 12.20.050; AMENDING SECTION 12.20.060 TO ALLOW THE CITY COUNCIL TO HAVE THE SIDEWALK CONSTRUCTED, REPAIRED OR REPLACED IF THE PROPERTY OWNER DOES NOT COMPLETE THE WORK AND ALLOWING A LIEN TO BE PLACED ON THE PROPERTY; AMENDING SECTION 12.20.070 TO CLARIFY THE REQUIREMENT THAT THE LIEN WILL BE A SPECIAL ASSESSMENT; AMENDING SECTION 12.20.080 TO ALLOW THE PROPERTY OWNER TO PAY THE FULL COST OF THE LIEN TO THE CITY TREASURER; AMENDING SECTION 12.20.090 TO REQUIRE GRADE LINES BE MARKED FOR THE SIDEWALK BY THE CITY ENGINEER; AMENDING SECTION 12.20.100 TO CLARIFY THE REQUIREMENT THAT THE PROPERTY OWNER IS RESPONSIBLE TO MAINTAIN SIDEWALKS ABUTTING THEIR

PROPERTY; 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 Reid, seconded by McEvers to pass the first reading of Council Bill No. 06-1029.

DISCUSSION: Councilman Reid noted that the five-year plan for overlay projects will be posted on the City's web site.

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

Motion by Kennedy, seconded by McEvers to suspend the rules and to adopt Council Bill No. 06-1029 by its having had one reading by title only.

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

RESOLUTION 06-070

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A MEMORANDUM OF AGREEMENT WITH KOOTENAI COUNTY.

Motion by Reid, seconded by McEvers to adopt Resolution 06-070.

DISCUSSION: Don Johnston, Fair Board Chairman, expressed his appreciation to the City for providing sewer service to the Fair grounds.

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

RESOLUTION NO. 06-068

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A CONTRACT FOR EMPLOYEE CONSULTING SERVICES, WITH JAMES GARRON.

Motion by Reid, seconded by Kennedy to adopt Resolution 06-068.

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

RESOLUTION NO. 06-069

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ANNEXATION AGREEMENT WITH SHEFOOT INVESTMENTS, LLC.

Motion by Reid, seconded by McEvers to adopt Resolution 06-069.

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

ORDINANCE NO. 3273
COUNCIL BILL NO. 06-1036

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 50, NORTH, RANGE 3W, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; CHANGING THE ZONING MAPS OF THE CITY OF COEUR D'ALENE; AMENDING SECTION 1.16.150, COEUR D'ALENE MUNICIPAL CODE, BY DECLARING SUCH PROPERTY TO BE A PART OF PRECINCT #49; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by McEvers to pass the first reading of Council Bill No. 06-1036.

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

Motion by Reid, seconded by McEvers to suspend the rules and to adopt Council Bill No. 06-1036 by its having had one reading by title only.

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

ORDINANCE NO. 3274
COUNCIL BILL NO. 06-1037

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, OF KOOTENAI COUNTY, IDAHO, DECLARING THE COST OF ACQUIRING, CONSTRUCTING, AND INSTALLING IMPROVEMENTS TO THE ROADWAY, WATER AND SEWER SYSTEMS OF THE CITY; AUTHORIZING THE ISSUANCE AND SALE OF A SINGLE LOCAL IMPROVEMENT DISTRICT NO. 145 BOND, 2006 IN THE

AGGREGATE PRINCIPAL AMOUNT OF \$362,538.31; PROVIDING FOR THE DATE, FORM, MATURITY AND DESIGNATION OF SAID BOND; FIXING THE RATE OF INTEREST AND MANNER OF REPAYMENT OF SAID BOND; PROVIDING FOR REGISTRATION AND AUTHENTICATION OF SAID BOND; SETTING FORTH CERTAIN PROVISIONS REGARDING THE CITY'S GUARANTEE FUND; APPROVING THE SALE OF SAID BOND; PROVIDING FOR CERTAIN COVENANTS RELATING TO FEDERAL TAX LAW; PROVIDING FOR THE EFFECTIVE DATE HEREOF; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

Motion by Reid, seconded by Edinger to pass the first reading of Council Bill No. 06-1037.

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

Motion by Hassell, seconded by McEvers to suspend the rules and to adopt Council Bill No. 06-1037 by its having had one reading by title only.

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

PUBLIC HEARING - V-06-3 - VACATION OF A 10' "PUBLIC ACCESS" ALONG THE EASTERLY BOUNDARY OF LOT 9, BLOCK 2, BENTWOOD 3RD ADDITION: Mayor Pro Tem Edinger announced that the applicant has withdrawn his request for this vacation of property.

PUBLIC HEARING - V-06-4 - VACATION OF RIGHT-OF-WAY FOR NORTH STREET BETWEEN DAVIDSON AND EMMA AVENUES: Mayor Pro Tem Edinger 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 Ron Ayers and noted that the request is for the vacation of right-of-way of North Street between Davidson Avenue and Emma Avenue. He reported that North Street was originally platted in 1907 as part of the East LaCrosse Addition plat. The street is a fully developed 36' roadway and serves as a north/south cross street but has no residences situated on it. Mr. Dobler added that there are no sanitary or storm water facilities in the street; however there are two City water mains (a 6" AC line that at one time provided service to the easterly property which is now vacant and services have since been abandoned) and a 10" C-900 main that provides for fire flows and service to the multi-family units that are located on the north side of Emma Avenue.

In summary Mr. Dobler reported that applicant Ron Ayers is requesting the vacation of the right-of-way of North Street between Davidson and Emma in order to combine the adjoining property on either side. This would allow him to create a uniform development

on the combined 4.5 acres. There is no City storm or sanitary facilities in the road; however, there are two City water mains that would remain in place in an easement or be relocated at the owner's expense.

Mr. Dobler reported that a total of 27 notices for this public hearing were mailed with 7 responses being received, 6 in favor and, 1 opposed. Written comments were distributed for Council review.

PUBLIC COMMENTS:

Dick Stauffer, 4144 French Gulch Road, described the proposed development for this location and asked Council to approve the requested vacation of public right-of-way.

Motion by Reid, seconded by Hassell to approve the requested vacation of right-of-way of North Street between Davidson and Emma Avenue.

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

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

The meeting adjourned at 7:04 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk