

**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 21, 2003**

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 21, 2003 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Loren Edinger)	Members of Council Present
Dixie Reid)	
Chris Copstead)	
Deanna Goodlander)	
Ben Wolfinger)	
Woody McEvers)	Members of Council Absent

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

INVOCATION was led by Pastor Glen Weber, Living Grace Christian Fellowship

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

PRESENTATION – CAPITOL CHRISTMAS TREE: Project Coordinator, Victoria Bruno, announced that the Christmas Tree designated for the Capitol will be on display in Coeur d'Alene on November 22nd at 1:00 p.m. at the Third Street parking lot. The seventy foot tree from the Boise National Forest will visit approximately fifty Idaho communities on its way to the nation's Capital. Congressman Butch Otter and Ranotta McNair, Forest Supervisor will be among the speakers. Third Street will be closed for approximately 10-15 minutes to move the tree to Fourth Street.

PRESENTATION - LOCAL OPTION SALES TAX: County Clerk, Dan English, and Dan McDowell, County Finance Director, presented the issues surrounding the proposed local option sales tax which will be on the ballot on November 4th. He noted that if this sales tax is approved half of the proceeds will go to lowering property taxes, and the rest will be used to pay for the County jail. If passed, the tax may only be imposed until the sooner happens; jail is paid off or the year 2009. Dave McDowell, Finance Director stated that projected time for payoff might be as early as December 31, 2006, but it is mandatory that the tax be removed as of December 31, 2009, even if the debt is not repaid. The reduction in property tax that would need to be assessed to the average homeowner with a \$150,000.00 home would be approximately \$60 per year. If the tax passes, funds cannot be used for any other purpose than stated in the legislation. The tax

would be shared by all using the community, not just property owners. The tax must be eliminated as soon as debt repaid or 2009. English commented that this does require a 66-2/3% majority of votes to pass.

PRESENTATION - GROWTH SERVICES DEPARTMENT ANNUAL REPORT:

Growth Services Director Gordon Dobler reviewed the accomplishments of his department for the past year. The Department entails both Building Services, and Engineering Services. Building permit volume has increased steadily over the past three years, from 700 three years ago to 878 this year. Single family permits have stayed fairly steady at approximately 300 permits per year. Commercial valuation has risen from 53 million last year to 68 million this year. That valuation does include the Costco project as well as the hospital remodel and addition. The City has received 550,000-600,000 annually in impact fees to support parks, streets, police and fire services. Dobler noted that impact fees have not increased since 1996. He recapped a few of the major projects accomplished. The Fruitland Lane Sewer Project removed 60 units from septic systems, widened the road to 28 feet, reducing risk to the aquifer, and increased fire protection water flow. The Overlay Project involved overlay of 60 blocks of streets in the City. The project was coordinated with other City Departments including the Streets Department who helped overlay some smaller areas, saving the City approximately \$76,000.00. The Atlas Bike Path was also completed through coordination of effort, reducing cost and implementation occurred three years sooner.

PUBLIC COMMENTS:

Andy Mandell, "Mr. Diabetes" is walking the perimeter of the US to promote awareness of diabetes. His 10,000.00 mile "Wake Up and Walk" tour is expected to take approximately five years. He started his walk in Florida, went to San Diego, headed east from the Space Needle in Seattle and is now moving through Coeur d'Alene. He complimented the Parks Department on the beautiful maintenance of our City. The national average is 1 out of 7 have diabetes and 50% do not even know they have it. The numbers are more drastic in children- 1 out of 3 born in 2000 will develop diabetes. His recommendation: 1-See an endocrinologist 2. Eat properly 3. Include Exercise and Fitness. He presented the Mayor with a hat, CD with theme song written in Monterrey, Ca. and a test. He mentioned that the screening test may be ordered free for schools on their website, www.defeatdiabetes.org. The Mayor presented Mr. Mandell with a shirt and a pin from the City of Coeur d'Alene for his hat.

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

1. Approval of minutes for October 7, 2003.
2. Setting of General Services and Public Works Committees for Oct. 27th at 4:00 p.m.
3. RESOLUTION 04-004: 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 RATIFYING AN AGREEMENT WITH THE KOOTENAI HUMANE

SOCIETY, FOR ANIMAL IMPOUNDMENT SERVICES; APPROVAL OF CHANGE ORDER NO. 1 WITH FINANCIAL CONSULTING SOLUTIONS GROUP, INC., FOR STORMWATER FINANCIAL DEVELOPMENT SERVICES; APPROVAL OF A RIGHT-OF-WAY CROSSING AGREEMENT WITH BURLINGTON NORTHERN & SANTA FE RAILROADS, FOR A SEWER LINE AT THE CROWN PACIFIC PROPERTY; APPROVAL OF SS-7-03 FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT, FOR BAHU SUBDIVISION; APPROVAL OF S-4-97 FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT FOR GRAYSTONE SUBDIVISION APPROVAL OF S-6-03 FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT FOR BOLIVAR SUBDIVISION; APPROVAL OF A MEMORANDUM OF AGREEMENT WITH STEVE WIDMYER FOR WIDMYER APARTMENTS P.U.D.; APPROVAL OF AN AGREEMENT WITH THE COEUR D'ALENE A.A.U. BASKETBALL CLUB, FOR THE DEVELOPMENT OF A BASKETBALL PROGRAM; APPROVAL OF A DOCK LEASE EXTENSION WITH STAND PARKS, FOR CD'A PARASAIL AND WATERSPORTS AND APPROVAL OF AN AGREEMENT WITH FRAM AND SMETANA FOR TOPOGRAPHIC AND EAST AND NORTH BOUNDARY SURVEYS OF CHERRY HILL, PHASE I DEVELOPMENT.

4. Authorizing staff to negotiate an agreement with Panhandle Area Council for grant writing and administration services.
5. Approval of bills as submitted and on file in the City Clerk's Office.
6. Approval of specifications and authorizing staff to advertise for bids for 4 Police Patrol vehicles.
7. Approval of the purchase of a 4-wheel drive pickup for the Fire Department.
8. Authorizing the Fire Department to proceed with sharing the costs with Kootenai County for grounding the radio tower located on Fire Station No. 1.
9. Setting of Public Hearings: ZC-7-03 Zone Change at 3909 N Schreiber Way for November 18, 2003.
10. Approval of cemetery lot transfer from Leslie & Betty Lou James to Ronald James.
11. Acceptance of donations from the Cd'A Little League and the Men's Softball Association.

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

PUBLIC HEARING – A-6-03 – ANNEXATION OF ATLAS ROAD FROM NORTHSHIRE SUBDIVISION TO PRAIRIE AVENUE: Mayor Bloem announced the rules of order for this public hearing. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos reported that the City of Coeur d'Alene is requesting zoning in conjunction with annexation from County Agricultural Suburban to R-3 for approximately 9.1 acres of Atlas Road right-of-way from the northern boundary of the Northshire/Stonehenge subdivision to the southerly right-of-way line of Prairie Avenue. He reported that the

City's Street Maintenance Department currently maintains this section of County road for the Lakes Highway District through a maintenance agreement. This request would annex the right-of-way into the City and transfer responsibility for maintenance from the Lakes Highway District to the City Street Maintenance Department.

He went on to give the staff analyses for land use, zoning, Comprehensive Plan, and traffic and streets. On September 9, 2003, the Planning Commission approved the requested zoning and recommended annexation of the subject property.

Mr. Stamos reported that a total of 27 notices of this public hearing were mailed on October 3, 2003 with 1 response being received - 1 in favor, 0 opposed, 0 neutral. Written comments were distributed for Council review.

Public Comments: None received

Motion by Copstead, seconded by Wolfinger to adopt the Findings and Order of the Planning Commission and to approve the annexation and zoning of Atlas Road as requested. ROLL CALL: Copstead, Aye; Edinger, Aye; Goodlander, Aye; McEvers, Absent; Reid, Aye; Wolfinger, Aye. Motion carried.

PUBLIC HEARING - O-2-03 - AMENDMENTS TO THE FENCING

REGULATIONS: Mayor Bloem gave the rules of order for this public hearing. Assistant City Attorney, Warren Wilson, gave the staff report.

Mr. Wilson noted that staff is requesting amendments to the fencing ordinance to allow fences up to ten feet (10') tall to be built with a special use permit wherever a residential use abuts a non-residential use. Over the years, the City has discussed various ways to improve the buffer yard standards in the Landscape regulations to adequately screen residential uses from commercial and other incompatible uses. He went on to state that while it is possible for a ten-foot (10') fence, the fence could be unsightly or incompatible to the surrounding neighborhood, and this concern could be addressed on a site-by-site basis through the special use permit process.

Public Comments: None received

ORDINANCE NO. 3148

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AS FOLLOWS: AMENDING SECTION 17.06.810 AND 17.06.815 OF THE MUNICIPAL CODE OF COEUR D'ALENE TO REQUIRE THAT FENCE HEIGHT BE MEASURED FROM THE AVERAGE FINISHED GRADE OF THE LOT AND TO ALLOW FENCES UP TO TEN FEET (10') TO BE BUILT FOR RESIDENTIAL AND NONRESIDENTIAL USES THROUGH THE SPECIAL USE PERMIT PROCESS UNDER MUNICIPAL CODE SECTION 17.09.205; REPEALING ALL ORDINANCES AND PARTS OF

ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Edinger, seconded by Goodlander to approve the requested amendment and to pass the first reading of Ordinance No. 3148.

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

Motion by Edinger, seconded by Goodlander to suspend the rules and to adopt Ordinance No. 3148 by its having had one reading by title only.

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

PUBLIC HEARING - V-03-7 - VACATION OF A PORTION OF KATHLEEN AVENUE RIGHT-OF-WAY: Mayor Bloem read the rules of order for this public hearing. Growth Services Director Gordon Dobler gave the staff report.

Mr. Dobler gave the applicant's name as Maruan Bahu and the developer of Lot 2, Block 1 of the Ulrich Ranch Estates (currently being replatted at the Bahu Addition) and the reason for the request as the vacation of thirty feet (30') of right-of-way on the south side of Kathleen Avenue that is presently unused right-of-way.

He reported that extensive right-of-way for this portion of Kathleen Avenue was acquired at a time when the City had a larger right-of-way requirement for collector type streets. This requirement has since changed and there would be sufficient width remaining after the vacation for construction of the standard collector street. The vacation of right-of-way would allow for the inclusion of additional property in the development and would eliminate the possibility of an unkempt "no man's land" between the finished commercial property and the completed street improvements due to excessive right-of-way.

He reported that 54 notices were mailed for this public hearing with 3 responses being received - 0 in favor, 2 opposed, 1 neutral.

Public Comments: None received.

Motion by Reid, seconded by Wolfinger to approve the vacation of right-of-way on Kathleen Avenue as requested. ROLL CALL: Reid, Aye; Goodlander, Aye; Edinger, Aye; Wolfinger, Aye; Copstead, Aye; McEvers, Absent. Motion carried.

EXECUTIVE TEAM REPORT: Executive Team Representative Gordon Dobler noted that the City will begin its popular leaf pick up program on Wednesday, November 12th. Citizens are asked to keep leaves on their property until Friday November 7th, as the leaves can plug storm drains. Pickup is expected to be completed by Wednesday November 26, 2003. If you have questions, please

call the Street Maintenance Department at 769-2233. No leaves will go to the landfill; half the crop is tilled into future park sites, and half are mixed with wood waste and burned as fuel in area power plants. Dobler announced that the Coeur d'Alene Area Chamber's Public Policy Committee is hosting a forum for Candidates for the Coeur d'Alene City Council this Wednesday, October 22nd, 2003, beginning at 6:00 pm in the Council Chambers at City Hall. The City of Coeur d'Alene Human Resources Department is accepting applications until 5:00 p.m. Friday, October 31st for Assistant Planner, and a part-time Secretary in the Police Department. Applications are available on the City website at www.cdavid.org or they may be picked up at City Hall. Dobler invited the public to attend the Coeur d'Alene Fire Department Open House to be held this Saturday October 25th, from 10:00a.m.until 2:00p.m.at Fire Station #3 on 15th Street. The Open House will include a fire extinguisher operation demonstration, a car seat safety promotion, video presentations, a youth fire agility challenge, blood pressure screening, paramedic equipment display and refreshments. Dobler also invited the public to enter the Coeur d'Alene Public Library uncarved Pumpkin Contest. Entries are due by Tuesday October 28th, decorated in any manner, other than carving, to avoid spoilage. Prizes will be awarded in both adult and youth categories. For information call 769-2315. The Library is also hosting Mary Neary with her marionettes on Tuesday, October 28th at noon. Bring your lunch to the Library and enjoy the program. Friends of the Library will provide coffee and lemonade. Friends of the Library will hold their monthly meeting at 10:30 am in the Nelson Memorial Room prior to the program. Anyone is welcome to attend. The Library is also continuing their Fall Reading program for children and teen ages newborn to 16. Numerous age specific sessions are offered. Special story times and tours are available by appointment by calling 769-2315. Dobler announced a quick reminder from the City Clerk. Anyone in the County may vote early at City Hall. Polls are now open at 8:00 am until 5:00 pm on the main level of City Hall, with no lines. This voting location will be available until November 4th. Everyone is urged to get out and Vote.

MCEUEN BASKETBALL COURT LIGHTS: This item was pulled from the Agenda.

3RD STREET RESTROOMS REPLACEMENT: Motion by Copstead, seconded by Reid to authorize the razing of the Third Street Dock restroom facility and replace it with a portable shelter that would accommodate three portable units with one unit being handicapped accessible. Motion carried.

INSTALLATION OF RAMSEY FIELD LIGHTS: Motion by Copstead, seconded by Edinger to approve purchase of lighting from Musco Lights and have Thorco, Inc. install the lighting system. Motion carried.

ORDINANCE NO. 3149

AN ORDINANCE AMENDING MUNICIPAL CODE SECTION 10.22.050 OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AS FOLLOWS: TO CLARIFY THAT DECALS MAY BE PLACED ON THE FRONT DRIVER'S SIDE WINDOW IN CONVERTIBLE AUTOMOBILES, AND TO CLARIFY THAT MULTI-FAMILY DWELLINGS WITH SUFFICIENT ON-SITE PARKING SHALL NOT BE ELIGIBLE FOR RESIDENTIAL PARKING PERMITS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Copstead, seconded by Wolfinger, to pass the first reading of Ordinance No. 3149.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3149 by its having had one reading by title only.

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

PURCHASE OF SERVER FOR BUILDING PERMIT STATUS VIA THE INTERNET: Motion by Copstead, seconded by Goodlander to approve the purchase of a server and Ethernet card and proceed with developing on-line permit status program. Motion carried.

ORDINANCE NO. 3150

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING SECTION 2.48.020 TO AMEND THE PLANNING COMMISSION RESIDENCE REQUIREMENT TO ALLOW FOR THREE (3) NON-RESIDENT MEMBERS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY CLAUSE; AND PROVIDING FOR PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF.

Motion by Copstead, seconded by Goodlander, to deny the amendment to the Planning Commission residence requirements.

ROLL CALL: Goodlander, Aye; Wolfinger, No; McEvers, Absent; Reid, No ; Edinger, No; Copstead, Aye. Motion failed.

Motion by Wolfinger, seconded by Edinger to approve the amendment to the Planning Commission residency requirement by the first reading of Ordinance 3150

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

Motion by Wolfinger, seconded by Reid to suspend the rules and to adopt Ordinance 3150 by its having had one reading by title only.

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

EXECUTIVE SESSION: Motion by Reid, seconded by Wolfinger to enter into Executive Session as provided by I.C. Section 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: Reid, Aye; Goodlander, Aye; Edinger, Aye; Wolfinger, Aye; Copstead, Aye; McEvers, Absent. Motion carried.

The session began at 7:40 p.m. Members present were the Mayor, City Council, City Administrator and City staff.

Matters discussed were those of personnel matters, labor negotiations, property acquisition and legal issues. No action was taken and the Council returned to regular session at 8:49 p.m.

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

The meeting adjourned at 8:50 p.m.

Sandi Bloem, Mayor

ATTEST:

Kathy Lewis, Deputy City Clerk