

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM,
NOVEMBER 18, 2008

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene Library, November 18, 2008 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Al Hassell)	Members of Council Present
Mike Kennedy)	
John Bruning)	
Deanna Goodlander)	
Loren Ron Edinger)	
Woody McEvers)	

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

INVOCATION was led by Pastor Ron Hunter, Church of the Nazarene.

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

PUBLIC COMMENTS:

EXTENDING AREA OF EXEMPTION FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES: Dick Stauffer, speaking on behalf of the applicant, requested Council extend the boundaries to allow Bakery by the Lake to sell and have on-premise consumption of beer and wine. He noted that there are currently several businesses in the downtown area that have on-premise consumption and he believes that this should be allowed throughout the downtown area regardless of it's proximity to city parks. Mr. Frank Pigott, owner of Bakery by the Lake, noted that numerous groups approached him about selling beer and wine by the drink at his soon to be open location at 7th and Front Avenue. Terry Cooper, Executive Director of the Downtown Business Association, spoke in support of Mr. Pigott's request.

BOY SCOUT TROOP 202: Councilman Kennedy introduced Boy Scout Troop 202 who are here tonight as part of their requirements in order to obtain their citizenship medals.

EXTENDING THE EXEMPTION BOUNDARIES FOR ALCOHOL SALES AND ON-SITE CONSUMPTION: Motion by McEvers, seconded by Goodlander to bring this item forward. Motion carried. City Attorney Mike Gridley explained the current regulations regarding where the boundaries are for exempting the prohibition of the consumption of alcoholic beverages within 300 feet of a park. Councilman Edinger recalled the reasons for the Council originally adopting the ordinance prohibiting alcoholic beverages being served within 300 feet of a park. He believes that this

ordinance has served the community well over the years and if the Council changes the ordinance it would be detrimental to the City. Councilman Bruning noted that he sees this request similar to a zone change in that the exemption would go with the property and if the bakery moved out it could open up to any type of business to sell alcoholic beverages. He added that he does not see any overwhelming reason for the ordinance to be changed. Councilman Hassell believes that while this bakery may be a good place for the sale and consumption of alcoholic beverages, the City would be opening the window to other operations. Councilman Kennedy asked if the Council could set limits to the hours of operation on this type of business. City Attorney Gridley responded that they could. Councilman Goodlander believes that the downtown area is expanding to this new area and believes that this type of business fits within this area and since they are not talking about setting up a bar that the exemption fits this business. Councilman Edinger noted that once the boundaries are extended that it opens up the area to any type of business including a bar. He also noted that he is 110% behind the downtown area but he doesn't believe that is it necessary to extend the boundaries. Councilman Kennedy believes that the Bakery by the Lake is a good fit and believes that times do change and the demographics have changed in our City. He would like to see if a time limit on the sale and consumption of alcohol to 10:00 p.m. could be placed for this area. Councilman McEvers noted that when the ordinance was enacted the drinking age was 19, and that times have changed since this ordinance was initiated. Councilman Edinger noted that the establishments cited by the other Council, e.g. Crickets, Caruso's and Parkside Bistro all have different reasons why they are allowed by code to have on-premise consumption of alcoholic beverages: for example Crickets is a full service restaurant, Caruso's is not next to a park, and Parkside Bistro is grandfathered.

Motion by Edinger, seconded by Bruning to deny the request to extend the exemption boundaries for the on-site sale and consumption of alcoholic beverages from 5th to 7th Street and from the south side of Sherman Avenue to the north side of Front Avenue.

Councilman Hassell believes that the problem is the definition of a restaurant and it should be amended to allow businesses such as deli's to serve alcohol in the downtown and extended area. Councilman McEvers believes that sometimes the Council needs to make changes. Councilman Hassell cautioned that once a business is allowed even if the codes are changed, they are grandfathered in. Mayor Bloem commented that she believes that we need to look at growing boundaries in certain places and she has concerns about the current definition of eating establishments.

Roll Call: Goodlander, No; Kennedy, No; McEvers, No; Bruning, Aye; Edinger, Aye; Hassell, Aye. Motion failed by the Mayor's tie-breaking nay vote.

Motion by Kennedy, seconded by Goodlander to approve the request to extend the exemption boundaries for the on-site sale from 5th to 7th Sherman to Front Avenue.

Roll Call: Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Bruning, No; Edinger, No; Hassell, No. Motion carried by the Mayor's tie-breaking aye vote.

CONSENT CALENDAR: Motion by Hassell seconded by Kennedy to approve the Consent Calendar as presented.

1. Approval of minutes for October 3, November 4, 2008.
2. Setting General Services Committee and Public Works Committee meetings for November 24th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 08-057: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED AGREEMENT OF THE CITY OF COEUR D'ALENE AS S-2-08– ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR PRINCETOWN AT WATERFORD.
4. RESOLUTION 08-058: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO REPEALING RESOLUTION NUMBERS 04-023 ADOPTED JANUARY 6, 2004, 04-028 ADOPTED JANUARY 20, 2004, AND 05-057 ADOPTED AUGUST 2, 2005, AND ADOPTING NEW COMPENSATION AND BENEFITS FOR EMPLOYEES WHO ARE NOT REPRESENTED BY AN EMPLOYEE ORGANIZATION.
5. Approval of bills as submitted and on file in the City Clerk's Office.
6. Setting of public hearings: Amendments to CDBG Action Plan for Dec. 16, 2008 and A-6-08 (annexation/zoning for 5225 N. 15th St.) for Dec. 16, 2008
7. Authorizing staff to negotiate a professional Services Agreement for the WWTP Collection System Capital Improvements.

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

COUNCIL COMMENTS:

COUNCILMAN MCEVERS: Councilman McEvers noted that it is good to be back.

COUNCILMAN KENNEDY: Councilman Kennedy congratulated Councilman Bruning on becoming the newest president of St. Vincent DePaul and also thanked Councilman Bruning for inviting him to attend the annual St. Vincent DePaul Appreciation luncheon when Councilman Bruning was installed as president of that organization.

COUNCILMAN GOODLANDER: Councilman Goodlander announced that a week from Friday is the annual Lighting Ceremony and Thanksgiving parade and noted that Mudgy the Moose will be a part of the parade.

APPOINTMENT – PARKING COMMISSION: Motion by Edinger, seconded by Kennedy to approve the appointment of Lauryn Johnson-Brooks as the student representative to the Parking Commission. Motion carried.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel complimented the Fire Department for their excellent work at a recent house structure fire where it had been reported that there was an individual trapped on the second floor. Leaf pickup is currently under way. The goal of doing leaf pickup is to keep leaves out of the lakes and landfill. Completion of leaf pickup is anticipated for the end of this week. Last week the Library Community Room hosted a multi-jurisdictional mock exercise in emergency situations. Additionally, the Library has a picket fence display on loan from the Smithsonian. Police Sgt. Darrell Cutler retired today after 30 years of service to the

Police Department and the citizens of Coeur d'Alene. The City is currently accepting applications for Police Officers. Crime stoppers is offering a cash reward along with a \$25 food coupon for information on some of the area burglars. Thorco Inc. announced that the newly install signals at Prairie and Kathleen Avenue will be operational by tomorrow. Golf Course Road will have no parking signs installed on its north side until the traffic signal is installed at Ramsey and Golf Course Road.

RESOLUTION 08-059

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A LEASE AGREEMENT FOR THREE POLICE MODEL HARLEY-DAVIDSON MOTORCYCLES, WITH LONE WOLF HARLEY-DAVIDSON, ITS PRINCIPAL PLACE OF BUSINESS AT 722 W. APPLEWAY, COEUR D'ALENE, ID 83814.

STAFF REPORT: Captain Childers reported that for the past four years the City Police Department has leased two motorcycles for \$1/season from Beartooth Motorcycles in Billings, Montana. Today they are proposing to lease three motorcycles for \$1,400 each/season from Lonewolf Harley Davidson located in Coeur d'Alene. Lieutenant Brainard provided a slide presentation on the history of the motorcycle team of the City Police Department.

Motion by Edinger, seconded by Kennedy to adopt Resolution 08-059.

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

FENCE ENCROACHMENT – NORTH HALF OF LAKEVIEW HILL AT 18TH STREET AT LOST AVENUE: Jeff Lemmon, architect and representative for the property owner, explained the need to encroach their fence into the public right-of-way. In regard to the maintenance requirements for the open space he suggested that a landscape company provide an estimate on the cost of maintaining this open space and then provide in the CC&R's and to the homeowners association the estimated cost of the maintenance and that this cost is to be shared by the homeowners. Councilman Edinger asked how they proposed to require homeowners to pay the maintenance costs. Mr. Lemmon responded that this is one of the issues that they have no real answer to. Councilman McEvers noted that it is the responsibility of the developer to maintain the open space and if possible have the homeowners participate, but ultimately it is the developer's responsibility. City Attorney Mike Gridley noted that this is an easement and the property is still owned by the developer and if the grounds are not maintained the City has regulations that Code Enforcement could enforce. Planner Tami Stroud noted that the developer has a condition on the Certificates of Occupancy that the developer must obtain an agreement with the homeowners association to share the costs to maintain this property. Jeff Lemmon noted that his concern is if this condition is set prior to getting the Certificate of Occupancy, that they will never sell this property. Councilman McEvers noted that this is one of the conditions set out by the PUD and that it has been

10 years since the PUD was approved and this condition has not yet been met but now that they want their Certificates of Occupancy there is urgency.

Motion by Hassell, seconded by Edinger to approve the request of the owners of the Towers at Ridgepointe, located at the north ½ of Lakeview Hill on 18th Street and Lost Avenue, for encroachment of a fence into the required open space easement, upon a showing by the applicant that the maintenance of the easement area will be the applicant's responsibility and the applicant demonstrating that the areas that the fence intrudes into are approximately equal to the areas where the fence recedes from the easement. Motion carried.

RESOLUTION NO. 08-060

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

Motion by Kennedy, seconded by McEvers to adopt Resolution 08-060.

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

ORDINANCE NO. 3345
COUNCIL BILL NO. 08-1023

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED AS PORTIONS OF SECTION 10, TOWNSHIP 50, NORTH, RANGE 4W, BOISE MERIDIAN; ZONING THE PROPERTY HEREBY ANNEXED; CHANGING THE ZONING MAPS OF THE CITY OF COEUR D'ALENE; AMENDING SECTION 1.16.030, COEUR D'ALENE MUNICIPAL CODE, BY DECLARING SUCH PROPERTY TO BE A PART OF PRECINCT #35; 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 Goodlander, seconded by Edinger to pass the first reading of Council Bill No. 08-1023.

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

Motion by Hassell, seconded by McEvers to suspend the rules and to adopt Council Bill No. 08-1023 by its having had one reading by title only.

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

RESOLUTION NO. 08-061

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING THE CITY OF COEUR D'ALENE PERSONNEL RULES MANUAL BY CREATING A NEW SECTION TO RULE III, ENTITLED SECTION 5 "SAFE WORK PRACTICES," PROVIDING SAFETY STANDARDS FOR EMPLOYEES; REPEALING RULE V, SECTION 5, ENTITLED "INCENTIVE AWARDS FOR EMPLOYEE SUGGESTIONS" AND AMENDING RULE XI ENTITLED "SICK LEAVE" TO REFINE THE DEFINITION OF IMMEDIATE FAMILY.

Motion by Edinger, seconded by Goodlander to adopt Resolution 08-061.

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

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

The meeting adjourned at 8:18 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk