

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL,
DECEMBER 16, 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, December 16, 2003 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

INVOCATION was led by Doug Eastwood.

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

PRESENTATION - PARKS/CEMETERY ANNUAL REPORT: Parks Director, Doug Eastwood, reviewed the areas of responsibility and accomplishments of the Parks/Cemetery Department which includes the maintenance and operation of City facilities, the City phone system, 2 City cemeteries, 17 City parks and 17 beautification areas and the City's Urban Forestry. He highlighted some of the accomplishments of the Parks/Cemetery Department including upgrading Fire Station #1, converting the phone system to another carrier, re-platting a portion of a cemetery to allow for upright monuments, creation of Shadduck Lane Park, planting in excess of 167 trees over three projects and the implementation of the Fire Smart Program on Tubbs Hill.

PUBLIC COMMENTS:

Roy Wargi, 2022 Cd'A Ave., voiced his complaints about the stop sign in his neighborhood and wanted to know why the Police Department stopped monitoring the stop sign and writing tickets. He would also like to see the motorized scooters taken off the streets.

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

1. Approval of minutes for December 2, 4, 2003.
2. RESOLUTION 04-020: 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 CLOSEOUT CHANGE ORDER NO. 1 TO THE AGREEMENT WITH WILLMS CORPORATION IN AN AMOUNT NOT TO EXCEED \$26,253.70 FOR THE ALLEY NORTH OF FOSTER BETWEEN A & B STREETS AND THE ALL SOUTH OF FRONT AVENUE BETWEEN 8TH AND 10TH STREETS - SEWER REPLACEMENT PROJECT; APPROVAL OF A BID AWARD TO HOLT DRILLING, INC. IN AN AMOUNT NOT TO EXCEED \$309,744.00 FOR THE 2003 WELL PROJECT, ANNIE AVENUE AND THE LANDINGS WELLS AND APPROVAL OF SS-4-02 ACCEPTANCE OF IMPROVEMENTS AND APPROVAL OF MAINTENANCE/WARRANTY AGREEMENT AND SECURITY FOR LUNDBECK ADDITION.

3. Approval of Annual Road and Street Finance Report.
4. Approval of the legal description of City Limits and Boundaries and authorize staff to submit document to the State Tax Commission.
5. Approval of Grant Writer Memorandum of Agreement.
6. Approval of bills as submitted and on file in the City Clerks Office.
7. Approval of Beer/Wine license for Wild Bill's Cookhouse at 320 Sherman Ave.
8. Acceptance of rights-of-way for the Government Way Project, Phase 2.
9. Approval to pursue Congestion Mitigation and Air Quality Improvement Program Grant.
10. Approval of Annie Well procurement specifications for the pump, motor and motor control center and authorize staff to advertise for bids.
11. Approval for a Fire Department Training Burn located at 3404 N. 5th.

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

PUBLIC HEARING – O-9-03 - AMENDMENTS TO THE HILLSIDE

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

Mr. Wilson reported that Fernan Lake Village has proposed several amendments to the City's Hillside Overlay Ordinance aimed at protecting Fernan lake from further degradation. He noted that the proposed amendments create a Fernan Lake Planning Area within the Hillside Overlay Zone. He went on to give the staff analyses of the significant Comprehensive Plan Goals and policies that are addressed by the proposed changes.

He noted that 116 notices of this public hearing were mailed with a total of 16 responses being received - 9 in favor, 6 opposed and 1 neutral. Written comments were distributed for Council review.

Public Comments: Bill Miller, 4764 Fernan Lake Road, representing the Fernan Lake Preservation and Creation Association, spoke in support of the proposed amendments to the hillside regulations. Sheri Howell, representing Fernan Lake Village, spoke in support of the proposed amendments to the hillside regulations. Rick Novell, Post Falls,

representing Fernan Lake Village, also spoke in support of the proposed amendments. Scott Ward, Strata Engineers, retained by Fernan Lake Village, addressed the geotechnical issues of the slopes surrounding Fernan Lake. Allen Isaacson, Hydrologist, retained by the City of Fernan Lake Village, addressed the results of water quality testing in Fernan Lake. Mike Reagan, retained by Fernan Lake Village, addressed the "takings" issue as it relates to the hillside regulations. Ed Koch, attorney at 250 Northwest Boulevard, representing the Kobs who own property on the south side of Fernan Lake adjacent to Armstrong Park, opposes the amendments since his clients feel the amendments constitute a "taking". Loretta Hartman, 3510 Lodgepole, Cd'A, as the realtor for the Kobs property, argued that the true value of the property would have an adverse impact if the proposed ordinance amendments were adopted. Roland Craft, 1702 Trellis Ct., Post Falls, spoke in support of the proposed amendments to the hillside regulations. Pat Acuff, Mayor of Fernan Lake Village, thanked all the people who worked for Fernan Lake Village, City staff and the Council for their consideration.

ORDINANCE NO. 3160

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING MUNICIPAL CODE SECTIONS 17.08.910, 17.08.915, 17.08.920, 17.08.940 TO ADD DEFINITIONS OF ACTUAL SLOPE AND HYDROLOGIST TO THE HILLSIDE OVERLAY ZONE, REQUIRING A GEOTECHNICAL REPORT ADDRESSING RISK OF LANDSLIDES, ALLOWING STORM WATER BEST MANAGEMENT PRACTICES APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY, REQUIRING BONDING FOR BOTH TEMPORARY AND PERMANENT EROSION CONTROL, REQUIRING ALL BARE SOILS TO BE COVERED TO PREVENT EROSION, REQUIRING STABILIZED CONSTRUCTION ENTRANCES TO PREVENT TRACKING SEDIMENTS ONTO PUBLIC STREETS, AND DELETING THE REQUIREMENT THAT ALL DEVELOPMENT OVER 35% IN THE HILLSIDE OVERLAY ZONE MUST BE A PLANNED UNIT DEVELOPMENT AND ADOPTING A NEW SECTION OF THE MUNICIPAL CODE DESIGNATED AS 17.08.943 TO CREATE A FERNAN LAKE PLANNING AREA, REQUIRE A HYDROLOGIST REPORT, CREATE A 75 FOOT BUFFER ZONE SURROUNDING FERNAN LAKE , AND RESTRICTING MAN-MADE DEVELOPMENT ON ACTUAL SLOPES GREATER THAN 35% SURROUNDING FERNAN LAKE; 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 Edinger, seconded by Wolfinger to pass the first reading of Ordinance No.3160 with the amendment to Section 1 of this ordinance, as it relates to Code Section 17.08.910 Definition of "actual slope" to add the phrase, "in the area to be developed" within this definition.

ROLL CALL: Edinger, Aye; Copstead, 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. 3160 by its having had one reading by title only.

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

SUMMARY OF ORDINANCE NO. 3160: Motion by Edinger, seconded by Goodlander to adopt the Summary of Ordinance No. 3160 for publication purposes.

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

OVERSIZED TRUCKS: Councilman Ben Wolfinger expressed his appreciation to Senator Kent Bailey for his stand on legislation opposing the oversized semi-trucks in Idaho.

HOLIDAY WISHES: Council President Reid wished all the residents happy holidays. Councilman Goodlander also wished everyone happy holidays and a great new year.

RECREATION DEPARTMENT REPORT: Councilman Copstead announced that the Youth Dance program concluded last Saturday with a recital with 42 children participating. Registration for January classes is now under way. The Special Needs Recreation program will hold a Christmas Day-Camp at Sorenson Elementary School. For more information contact Angie at 769-2317. 1st and 2nd grade youth basketball registration will begin January 6th and run through January 10th. Additionally the January Swim Lesson Program is now open to registration. There is still time for parents to sign children up for the Youth Wrestling Program co-sponsored with NIC which will begin the first week of January.

COUNCILMAN COPSTEAD THANKED: Councilman Wolfinger finished the Recreation Department Report by noting that the Recreation Department will miss the dedication and service of Councilman Copstead. He is a great advocate of both youth and adult recreation in Coeur d'Alene.

PUBLIC OFFICIALS WELCOMED: Councilman Edinger welcomed County Commissioner Rick Currie and Councilman Chris Beck from Hayden to tonight's meeting.

APPOINTMENT - PARKS AND RECREATION COMMISSION: Motion by Edinger, seconded by Copstead to appoint R. Michael Bundy to the Parks and Recreation Commission. Motion carried.

DOGS AND TUBBS HILL: Mayor Bloem noted that the trail on Tubbs Hill is very slippery this time of year and reminded residents who go onto Tubbs Hill with their dogs to keep their pets on a leash.

EXECUTIVE TEAM REPORT: Dave Yadon, Executive Team member, noted that it appears we are headed for a robust winter and reminded everyone to clear their sidewalks in a reasonable timeframe and to keep cars off of the street whenever possible to enable city plow crews to do a better job. Also, even though we use snow gates, with heavy wet snow like we had last weekend, snow gates only reduce, not eliminate, driveway berms. And there is simply too much snow for them to be used around parked cars. This weekend, the Fire Department hosted a National Fire Academy class on Fire Officer response to a Weapons of Mass Destruction Incident with every officer and Chief except one attending the 16-hour class. He also noted that the class was paid for by the State on a training grant. Christmas is alive and well at the Fire Department. This morning a group of firefighters escorted Santa to the Pre-School at KMC and helped them with their party. Starting tonight and running through Friday night Santa will be going around the City in his sleigh (a big red fire engine) collecting toys and food for the food bank and Christmas for all. Each night they will start around 6:00 P.M. This has become a yearly event that members of the Union do on their days off and has collected hundreds of tons and thousands of pounds of food for our community.

RESOLUTION 04-015

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING INTERGOVERNMENTAL AGREEMENTS FOR THE PURPOSE OF COMPLYING WITH CHAPTER 162, IDAHO SESSIONS LAWS 2000 (HOUSE BILL NO. 581) CODIFIED AT IDAHO CODE SECTION 50-2906 AND CHAPTER 146, IDAHO SESSIONS LAW 2003 (HOUSE BILL NO. 176) CODIFIED AT IDHAO CODE SECTION 50-2018(r), WITH KOOTENAI COUNTY.

Motion by Edinger, seconded by Goodlander to adopt Resolution 04-015.

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

RESOLUTION 04-021

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED AGREEMENTS, INCLUDING A LEASE AGREEMENT WITH T-MOBILE USA, INC., A SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT AGREEMENT BETWEEN T-MOBILE, ROY ARMSTRONG

AND THE CITY OF COEUR D'ALENE, AND AN AGREEMENT WITH ROY ARMSTRONG.

Motion by Wolfinger, seconded by Reid to adopt Resolution 04-021

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

EXECUTIVE SESSION: Motion by Reid, seconded by Copstead 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: Copstead, Aye; McEvers, Aye; Reid, Aye; Goodlander, Aye; Edinger, Aye; Wolfinger, Aye. Motion carried.

The session began at 8:18 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 9:55 p.m.

MUNICIPAL SERVICES - I.T. EXPANSION: City Administrator, Wendy Hague, informed the Council that the Information Technology area has run out of room. In order to provide them with more space, the Municipal Services Director (City Clerk) will have a new office constructed in front of her existing office space and I.T. will utilize the former office space.

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

The meeting adjourned at 10:07 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk