

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 21, 2004

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 21, 2004 at 6:00 p.m., there being present upon roll call the following members:

Dixie Reid, Mayor Pro Tem

Loren Edinger	)	Members of Council Present
Al Hassell	)	
Woody McEvers	)	
Ben Wolfinger	)	
Deanna Goodlander	)	
Dixie Reid	)	

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

**INVOCATION:** Reverend Pastor Tom Weadick, Vineyard Christian Fellowship Church.

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

**CENTENNIAL TRAIL:** Chris Copstead, representing the Centennial Trail Board, asked for the Council's support for a grant for the Atlas Road Extension and then further down on Seltice Way. The Board has voted to support this grant application. The grant would give the opportunity to provide a safe link for the developments along Atlas Road and would join the existing 23 miles of the trail.

**DOWNTOWN TRAFFIC FLOW:** John Bell believes that one-way traffic patterns on Lakeside and Front would far better serve the downtown area and would make Sherman Ave. better for pedestrians, the merchants and tourists.

**FREQUENTLY ASKED QUESTION: As a resident of Coeur d'Alene, can I get legal advice from the City Attorney's Office?** City Attorney Mike Gridley explained the role of the City's Legal staff is to represent the City Council, Committees, Commissions and Boards as well as City Departments, but they cannot provide legal advice to residents. There are other options for residents such as access to Idaho statutes on the internet and Idaho Legal Aid (667-9559).

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

1. Approval of minutes for December 7, 13, 2004.

2. The Public Works Committee and General Services Committee will not be meeting through the coming holiday week.
3. RESOLUTION 04-110: 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 CLOSEOUT CHANGE ORDER NO. 1 WITH BUDDY'S BACKHOE FOR OPEN TRENCH SEWER REPLACEMENT; APPROVAL OF CLOSEOUT CHANGE ORDER NO. 1 WITH PLANNED AND ENGINEERED CONSTRUCTION, INC., FOR CURED IN PLACE PIPE REHABILITATION; APPROVAL OF S-8-04 FINAL PLAT APPROVAL WITH SUBDIVISION IMPROVEMENT AGREEMENT WITH SHADOW WOOD ESTATES, 2<sup>ND</sup> ADDITION; APPROVAL OF AN AGREEMENT WITH BNSF RAILROAD FOR THE REMOVAL OF PUBLIC CROSSING AT RIVERMILL AND APPROVAL OF AN ENCROACHMENT PERMIT WITH STIMSON LUMBER COMPANY FOR UNDEVELOPED RIGHTS-OF-WAY UNDERLYING THE STIMSON / DeARMOND MILL.
4. Annual Approval of the City Boundaries for submittal to the State Tax Commission.
5. Approval of the purchase of a 2005 Sewer Jet Vacuum System for Wastewater.
6. Bid Award – Purchase of 4 Police Patrol Vehicles
7. Authorizing the advertisement for bids for the Parks Dept. Bucket Truck.
8. Approval of purchase of Wildland Fire Engine
9. Approval of Bills as submitted
10. Setting of Public Hearings: ZC-9-04 and ZC-11-04 for January 18, 2005

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

**CITY CHANNEL:** Councilman McEvers announced that David Hern is running the City's TV cameras tonight in preparation for the City assuming the responsibility for the City's government channel in January. Councilman McEvers also thanked staff for all their help and all that they have accomplished over the past year. He also appreciates the other Council members for answering all his questions.

**LIBRARY CALENDARS:** Councilman Goodlander reminded everyone that the Library calendars are still available at the Library and the Library Foundation Office in Downtown. She reported that the calendar signing was a success with Patty Duke, Ellen Travolta and Dennis Franz and their spouses taking part in the signing festivities at the Resort. She also recognized Mr. Saylor's class for attending tonight's meeting.

**RAILROAD SPIKES:** Councilman Edinger announced that the railroad spikes from the tracks near Memorial Field are for sale through the Parks Dept. for \$15.00. He also wished all the citizens, staff and Council a merry Christmas and a prosperous new year.

**HOLIDAY WISHES:** Councilmen Hassell and Wolfinger and Reid also wished everyone a Merry Christmas.

**EXECUTIVE TEAM REPORT:** On behalf of the Executive Team, Wendy Hague, announced the following: This last Friday, two members of our Fire Department received awards from the Hayden VFW. Firefighter Cory Anderson and Engineer Matt Sowa as well as Chief Gabriel were recognized for their efforts on a call at the Beauty Bay Campground last summer. This last Sunday was Holiday and Heroes day at Wal-Mart. The Coeur d'Alene Police Department had the biggest representation with 20 officers. All of the officers were off duty and had a great time shopping with children. The Recreation Department will be hosting Youth Open Basketball at Woodland Middle School from December 20<sup>th</sup> through December 23<sup>rd</sup>, and from December 27<sup>th</sup> through December 31<sup>st</sup>. Please call the Recreation Department for more information at 769-2250. Youth Basketball Registration for boys and girls in grades 1 and 2 will be from January 3<sup>rd</sup> through January 14<sup>th</sup>. The cost is \$20.00 for city residents and \$25.00 for non-residents. The practices begin around January 24<sup>th</sup>. Just a reminder that the City is still taking applications for grants from the Ironman Community Fund. The fund, created in partnership with Ironman USA, provides financial opportunities to help organizations in the community who support youth activities. It is anticipated that this year the fund will award about ten (10) grants in the \$500 to \$3,000 range. Applications are due to Susan Weathers, Municipal Services Director, by January 15, 2004. If you have any questions regarding the Ironman Community Fund, please call Susan Weathers at 769-2231. On Wednesday, December 22<sup>nd</sup>, from 5-9 p.m., and Thursday, December 23<sup>rd</sup>, from 1-5 p.m., at the Resort Plaza Shops, the Friends of the Coeur d'Alene Public Library will be sponsoring Photos with Santa. For \$10.00 for a framed 4x6 and \$5 for each additional copy, you can preserve a memory and support the building fund for the new library. The Friends will also be hosting a "Last Minute Gift Wrap Booth" all day Thursday, December 23<sup>rd</sup>. If you would like to share your thoughts about what you'd like to see in a community center, please log on to [www.cdavid.org](http://www.cdavid.org), and click on "Kroc Center Survey." Fill out the on-line survey and let us know your ideas! In the City's quest to always pursue ways of improving our Customer Service, I am happy to report there are two new additions to our Customer Service. The first is what we are calling "City Track". City Track is an intra-net tool available to all staff that tracks all calls that have been received from citizens who have called in a request for service. The request for service could be anything from a street light outage to code enforcement or even questions on a utility bill. With this tool available to all staff, anyone can now answer follow up calls from citizens without having to transfer their call thus saving time for not only staff but for our customers. The second service now available to citizens is having a parking ticket appeal form available on the City's web site. Anyone who receives a parking ticket while in the Downtown area and who does not feel the ticket was justified can appeal their ticket by getting on the City web site and completing the Parking Ticket Appeal form. The City's web site address is: [www.cdavid.org](http://www.cdavid.org). Of course citizens are always welcome in to come to City Hall and obtain the same parking ticket appeal form from our Customer Service Center. If anyone would like more information regarding either of these two new services, you may contact Kim at 769-2227. We are pleased to announce that the city, in partnership with U.S. Bank, submitted their application for an Idaho Community Development Block Grant on Friday, the 17<sup>th</sup>. This grant, worth approximately \$460,000, would be used for public infrastructure/roadway improvements

along Seltice Way. The project team will be presenting their proposal to the Department of Commerce in the middle of January. The city is always looking for interested citizens to serve on its boards, commissions, and committees. Openings are on the Lake City Development Corporation Board, the Urban Forestry Commission, the Planning & Zoning Commission and the Arts Commission. Please call 769-2204 for an application and more information.

#### RESOLUTION 04-111

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR CONDUCTING AND MAINTAINING AN INSTRUCTIONAL SOCCER CAMP, WITH THE BRITISH SOCCER A DIVISION OF CHALLENGER SPORTS CORP., LOCATED AT 8022 FLINT, LENEXA, KANSAS 66214.

Motion by Hassell, seconded by Edinger to adopt Resolution 04-111.

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

**ITD GRANT – ATLAS ROAD/CENTENNIAL TRAIL:** Motion by Hassell, seconded by Wolfinger to authorize staff to apply for the ITD Enhancement grant for the Atlas Road/Centennial Trail and that funding for the matching funds be allocated over the next three years. Motion carried.

**LWCG GRANT – 2005:** Motion by Hassell, seconded by Wolfinger to authorize staff to apply for -2005 matching grant in preparation of the funds being available in 2005 for the City property north of the Davis Park Subdivision and the North Pines Subdivision. Motion carried.

**3<sup>RD</sup> STREET MARINA BREAKWATER:** Motion by Hassell, seconded by Wolfinger to authorize up to \$5,000.00 from the Parks Capital Improvement fund for waterfront improvements and endorse a joint city/county grant application to replace the 3<sup>rd</sup> Street breakwater. Motion carried.

#### COUNCIL BILL NO. 04-1009 ORDINANCE NO. 3196

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 15.16.010 AND 15.16.060 TO REPLACE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES WITH DIVISION OF BUILDING SAFETY, ELECTRICAL BUREAU; AMENDING SECTIONS 15.16.090, 15.16.110 AND 15.16.120 TO REPLACE CITY WITH STATE OF IDAHO – DIVISION OF BUILDING SAFETY – ELECTRICAL AND REPEALING SECTIONS 15.16.130, 15.16.140, 15.16.150 AND 15.16.160;

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 Wolfinger, seconded by McEvers to pass the first reading of Council Bill No. 04-1009.

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

Motion by Wolfinger, seconded by Edinger to suspend the rules and to adopt Council Bill No. 04-1009 by its having had one reading by title only.

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

#### RESOLUTION 04-112

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN INSPECTION AGREEMENT TO INCLUDE ELECTRICAL PERMIT PROCESSING, WITH THE STATE OF IDAHO, DIVISION OF BUILDING SAFETY ITS ADDRESS AT 1090 E. WATERTOWER STREET, MERIDIAN, IDAHO 83642.

Motion by Wolfinger, seconded by Goodlander to adopt Resolution 94-112.

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

**ANNUAL STREET FINANCIAL REPORT:** Motion by Wolfinger, seconded by Hassell to approve the Annual Road and Street Financial Report for the fiscal year ending September 30, 2004. Motion carried.

#### **WWTP PHASE 4B CONTRACTOR PREQUALIFICATION PROCEDURES:**

Motion by Edinger, seconded by McEvers to approve the phase 4B contractor pre-qualifications procedures with the findings of relevance. Attorney Warren Wison noted that the city is trying to find disputes of significance greater than \$50,000. Councilman Hassell recommended that if a contractor answers yes to disputes greater than \$50,000 that they list the actual amount of the claim in their response. Councilman Wolfinger asked if the exact dollar amount over \$50,000 is really a factor in determining the points. Attorney Wilson noted that it may help in sorting out if competing contractors end up with the same number of scoring points. Motion carried.

**AUTHORIZATION TO BID FOR WWTP PHASE 4B:** Motion by Edinger, seconded by Wolfinger to authorize staff to advertise for bids for the Wastewater Treatment Plant, Phase 4B. Motion carried.

RESOLUTION NO. 04-113

RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT TO DISSOLVE THE EMPLOYMENT CONTRACTS WITH DAN COCHRAN, DEPUTY FIRE CHIEF.

Motion by Wolfinger, seconded by Hassell to adopt Resolution 04-113.

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

COUNCIL BILL NO. 04-1015  
ORDINANCE NO. 3197

AN ORDINANCE CALLING FOR A SPECIAL GENERAL OBLIGATION BOND ELECTION TO BE HELD ON FEBRUARY 1, 2005 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF COEUR D'ALENE, IDAHO, THE PROPOSITION OF THE ISSUANCE OF UP TO \$7,043,941 IN GENERAL OBLIGATION BONDS FOR PUBLIC SAFETY FACILITIES AND/OR THE ISSUANCE OF UP TO \$3,000,000 IN GENERAL OBLIGATION BONDS FOR THE CONSTRUCTION OF A NEW LIBRARY FACILITY; ESTABLISHING AN OFFICIAL BALLOT; ESTABLISHING THE QUALIFICATIONS FOR VOTERS AND THE HOURS WHEN POLLS WILL BE OPEN; PROVIDING FOR THE ISSUANCE OF BONDS UPON THE SUCCESSFUL PASSAGE OF THE ISSUE BY THE VOTERS; CALLING FOR THE LEVY OF A TAX IF NEEDED TO PAY SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE OR A SUMMARY THEREOF.

Motion by Wolfinger, seconded by Goodlander to pass the first reading of Council Bill No. 04-1015.

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

Motion by Wolfinger, seconded by Hassell to suspend the rules and to adopt Council Bill No. 04-1015 by its having had one reading by title only.

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

**ADVISORY VOTE – SHERMAN AVENUE CLOSURE:** Mayor Pro Tem Reid announced that the Hagadone Corporation has pulled their request to close Sherman Avenue for the creation of a botanical garden. Motion by Wolfinger, seconded by Goodlander to direct that the City not proceed with an advisory vote. Motion carried.

COUNCIL BILL NO. 04-1012  
ORDINANCE NO. 3198

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 R-12 TO C-17 AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY; SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: LOTS 7, 8 AND 9 BLOCK 15, EAST LACROSSE ADDITION TO COEUR D'ALENE, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; 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 Edinger, seconded by Wolfinger to pass the first reading of Council Bill No. 04-1012.

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

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 04-1012 by its having had one reading by title only.

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

**PUBLIC HEARING – O-5-04 – AMENDING SUBDIVISION RE-PLAT FEES:**

Motion by Wolfinger, seconded by Hassell to continue this public hearing to January 18, 2005. Motion carried.

**PUBLIC HEARING – O-6-04 – AMENDING LIGHTING STANDARDS AND**

**GUIDELINES FOR DOWNTOWN DESIGN:** Mayor Bloem read the rules of order for this public hearing. Dave Yadon, City Planner, gave the staff report.

Mr. Yadon reported that tonight the Council is being asked to consider establishment of additional lighting standards for the Downtown Design District. The Planning Commission believes that the newly adopted standards for the Infill Districts surrounding the downtown area could address the needs of the Downtown District. He noted that the proposed amendment is consistent with the Comprehensive Plan policies, and that the amendment will augment lighting regulations to conserve energy, prevent glare and reduce atmospheric light pollution while providing sufficient site lighting for safety and security.

PUBLIC COMMENTS: Mayor Pro Tem Reid called for public comments with none being received.

DISCUSSION: Councilman Wolfinger voiced his concern that such buildings as the AG Edwards building at 2<sup>nd</sup> and Sherman, which have lights that shine down on the sidewalk, would be in violation of the proposed code. Also some of the awning lights illuminate the sidewalks, as do signage displays, which would also be in violation of this proposed legislation. Mr. Yadon explained that there are other sections of the municipal code which provide for safety as well as for signage. When combined with other sections of the code it would not be a violation for this proposed legislation. Councilman Wolfinger is concerned that this creates a conflict within our code. Additionally, the code reflects minimizing upright glare and another sections prohibits upright glare. Mr. Yadon noted that the intent was to upright such things as buildings and flags but not allow uplighting into the sky. Councilman Wolfinger voiced his concern of the difference between what the intent is and what the actual wording in the proposed regulation is.

Councilman Edinger asked about a grandfather clause. Mr. Yadon responded that a grandfather clause already exists in the zoning code known as the nonconforming use regulations. Councilman Edinger asked about a new business, would they have to apply the new regulations. Councilman Edinger also wanted to know who would enforce this code. Mr. Yadon responded that, if it is a general violation, Code Enforcement would enforce this code. Councilman Goodlander believes that the proposed code does not clearly state that existing businesses are grandfathered. Councilman Hassell noted that flashing lights are not allowed except for special occasions, which creates a loophole in the proposed code since anyone could state that the flashing lights/flags are for a special occasion. He also believes that this would be difficult to enforce. Attorney Wilson stated that these regulations are more akin to guidelines than to hard and fast rules. It establishes the intent and criteria for design standards. Council President Reid asked why, then, is it going into the zoning code and not the design criteria. Attorney Wilson responded that it is placed in conjunction with the downtown design criteria which is in the zoning code. Councilman Goodlander commented that she still has a concern with the statement reading “the following criteria must be met”. Attorney Wilson responded that, as with the design review criteria, the “must be met” requires that, if the criteria is not met, the applicant must explain how they are going to meet the intent of the criteria. Council President Reid noted that she understands that the intent of the Planning Commission is to bring the standards for the infill areas into the downtown area; however, the downtown area’s usage is so much more intense and commercial than infill areas and, being more residential we would not want the infill area as brightly lit. Dave Yadon responded that it was agreed that the downtown lighting was more intense, but in terms of uplighting it has always been a concern of overflow into residential areas. He noted that he believes the Council’s concern is in enforcing the proposed regulations and, so, staff could bring back revised wording or the Council can refer it back to the Planning Commission. Councilman Goodlander is not comfortable with the current wording.

PUBLIC COMMENTS: Mayor Pro Tem Reid asked for public comments with none being received.

MOTION: Motion by Goodlander, seconded by Edinger that the proposed regulations be returned to the Planning Commission for clarification and to address the concerns that have been stated by the Council tonight.

DISCUSSION: Councilman Wolfinger stated that the Planning Commission needs to know that the Council's concern is that of intent. Councilman Hassell also suggested that other codes relating to this issue be presented when this is returned to Council in order to present a full picture of current and proposed lighting regulations. Councilman McEvers understands their desire to limit glare. Councilman Edinger noted that his concern is the word "must".

Motion carried.

**EXECUTIVE SESSION:** Motion by Wolfinger, seconded by to enter into Executive Session as provided by Idaho Code 67-2345 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: Goodlander, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye; Wolfinger, Aye; Hassell, Aye. Motion carried.

The session began at 7:10 p.m. Members present were the Mayor, City Council, City Administrator, Finance Director and City Attorney.

Matters discussed were those of property acquisition, labor negotiations and pending litigation.

No action was taken and the Council returned to regular session at 8:02 p.m.

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

The meeting adjourned at 8:02 p.m.

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Dixie Reid, Mayor Pro Tem

ATTEST:

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Susan K. Weathers, City Clerk