

**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 17, 2002**

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 17, 2002 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

Chris Copstead	)	Members of Council Absent
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**CALL TO ORDER:** The meeting was called to order by Mayor Bloem.

**INVOCATION** was led by Pastor Mike Slothower, River of Life Friends Church.

**PLEDGE OF ALLEGIANCE:** Council President Reid led the pledge of allegiance.

**PRESENTATION – PARKS AND CEMETERY DEPARTMENT ANNUAL REPORT:**

Parks and Cemetery Director, Doug Eastwood, provided a review of his department's activities for the past year. He noted that the Parks Department consists of: Urban Forestry which does tree inspections and permits for removal, street-tree pruning, hazardous tree removal, tree inventory, public information and education; Building Maintenance oversees 12 municipal buildings maintaining approximately 116,382 square feet of floor space; the Cemetery staff maintains 28 acres of cemetery property, including openings and closing, funeral and burial services; the Parks team maintains 362 acres of public land, 17 parks, and last year, hosted 189 events with 67,238 people attending those events and in the Winter they maintain public property sidewalks throughout the City.

**PUBLIC COMMENTS:** Mayor Bloem called for public comments with none being received.

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

1. Approval of minutes for December 3,2002.
2. There will not be a General Services Committee or Public Works Committee meetings on December 23, 2002.
3. RESOLUTION 03-012 - 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 AN AWARD OF BID TO KNUDTSEN CHEVROLET FOR PURCHASE OF ONE (1) CARE UNIT AND THREE (3) PATROL VEHICLES; APPROVAL OF AN AMENDMENT TO THE COMPLETION DATE FOR THE SUBDIVISION IMPROVEMENTS FOR CAR D'LANE SUBDIVISION, AND APPROVAL OF A RENEWED EMPLOYMENT AGREEMENT FOR THE FIRE CHIEF.

4. Authorizing staff to proceed with negotiating an agreement with Diamond Parking for Downtown Parking Management Services.
5. Approval of increasing hours of operation for mooring on City docks to 10:00 p.m. until 8:00 a.m.
6. Acceptance of the Annual Street Report and authorizing staff to submit report to the State Comptroller.
7. Authorizing staff to negotiate a contract with JUB Engineers, Inc., for consultant services for the selection and development of two new production wells for the water system.
8. Approving the legal description of the City boundaries and authorizing the City Clerk to submit the legal description to the State Tax Commission.
9. Approval of purchase of sign making machine for the Street Maintenance Department.
10. Approval of bills as submitted and on file in the City Clerk's office.
11. Setting of public hearing for O-7-02 (Adult Entertainment Buffering) for Jan. 21, 2003
12. Acceptance of Memorial Field Lights donation
13. Authorizing staff to proceed with the Waterways Improvement Fund Grant for 3<sup>rd</sup> Street Launch Docks.
14. SS-8-02 – Approval of final plat for Dr. Jones Office Park.
15. Approval of Beer/Wine/Liquor license for Sherman's at 1001 Sherman Ave. (formerly Henry's)

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

**PUBLIC HEARING O-12-02 – AMENDING THE SPACING REQUIREMENTS BETWEEN BUILDINGS:** Mayor Bloem gave the rules of order for this public hearing. Tami Stroud, Assistant Planner, gave the staff report.

Mrs. Stroud noted that the purpose of this amendment is to amend the zoning ordinance with regard to building separation between residential structures on the same lot. Currently, the zoning codes are in conflict with the Uniform Building code that requires that the minimum distance between two residential structures or a residential and accessory structure be six feet (6'). The zoning ordinance currently specifies five feet (5'). By amending the zoning code, it will create a consistency between the Building code and the Zoning Ordinance requirements.

She reported that on November 12, 2002, the Planning Commission unanimously recommended approval of the code change.

Public Comments: Mayor Bloem called for public comments with none being received.

AN ORDINANCE AMENDING SECTION 17.06.490 AND 17.06.630 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO PROVIDE THE MINIMUM SPACE BETWEEN BUILDINGS TO BE NO LESS THAN SIX-FEET (6') RATHER THAN FIVE-FEET (5') EXCEPT FOR PARTY WALL CONSTRUCTION; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Wolfinger, seconded by Goodlander to pass the first reading of Ordinance No. 3090.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3090 by its having had one reading by title only.

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

**TETHERBALL AT BLUEGRASS AND SHADDUCK PARKS:** Motion by Reid, seconded by Edinger to move this item forward. Motion carried. Motion by Reid, seconded by Wolfinger to approve the installation of a tetherball court on a trial basis at Bluegrass Park and to incorporate a tetherball court into the development of Shadduck Park. Motion carried.

**PUBLIC HEARING – 0-5-02 – HILLSIDE OVERLAY DEVELOPMENT ORDINANCE:** Mayor Bloem re-iterated the rules of order for a legislative public hearing. Dave Yadon, City Planner, gave the staff report.

Mr. Yadon noted that on August 27, 2002 the City Council enacted a 120-day emergency moratorium on development on lots having a slope of 15% or greater and directed staff to prepare a Hillside Development Ordinance. Staff researched various communities for sample regulations and prepared two drafts – the first being an ordinance presented to the Planning Commission and the second being the result of the workshops that were held following the Planning Commission review.

Public Comments: Motion by Goodlander, seconded by Edinger to limit speaking time to 3 minutes. Motion carried. Kim Cooper, 2310 Pennsylvania Ave., feels that this would be an infringement of rights based upon the State Constitution. Tim Timmons, 2857 Sugar Pines Rd., requested the Council allow additional time for the NIBCA to review the proposed regulations before Council action. Eric Foskin, 1002 Front Ave., questioned the code stating that a survey within 50 feet of the site be completed and wanted to know what the code means by "site"; and, requested more exhibits be provided throughout the code. Bill Radobanko, 7500 Mulholland, Dalton Gardens, requested the Council to continue researching the requirements such as the 30' cut and fill requirement since most cut and fill lots are in the 70'-80' range. Pat Acuff, 112 Hazelwood Dr., Mayor of Fernan Village, noted

that the biggest concern on hillside development is water quality and feels that more time is needed to further review and develop a good hillside ordinance. Ron Douglas, 214 Lakeview Drive, Fernan Village, stated that he feels that the City has the responsibility of weighing the short-term benefits that a development might bring, but rather the long-term concern of hillside erosion. Cheri Howell, 1711 Jenny Lynn Lane, Fernan Village's Land Use Consultant, feels that additional regulations need to be developed for properties within 500 feet of lake water and requested that the Council continue the moratorium for an additional 120 days and include density options in the regulations. Ed Morse, Hayden Lake, has been retained by the City of Fernan to review the City's proposed ordinance. He distributed his written review of the proposed ordinance and his recommended changes to the codes and requested the Council refer this ordinance back to the Planning Commission or other work group and extend the moratorium. Debbie Verbillis, 212 Lakeview Dr., opposes the City's proposed ordinance and feels that the City is overstepping their regulatory authority but supports the development of regulations for hillside development. Chris Buchler, 3595 Sky Harbor Drive, echoes what Mrs. Verbillis stated but added that it does need more thought. Buehl Hollister 8985 N. Hauser Lake Rd., Post Falls, recommended that the moratorium be continued so the regulations can be better developed and requested a clarification of what market value is for tree replacement. Mike Perez, 3747 E. Sky Harbor Drive, President of Armstrong Park Homeowners Association, stated that his Association are in favor of hillside regulations, the tougher the better. He noted that being a native of California, he has seen what can happen with hillside developments and the erosion it can cause without regulations. Scott Stevens, 1216 Silver Beach, has two lots on Armstrong Park, one building permit was issued, the other needed engineering studies so he did not receive the permit prior to the moratorium and is requesting permission to continue building this foundation. Karl Hartman, 3410 Lodge Pole Road, feels that hillside development regulations have already been addressed in the Uniform Building Code, and the proposed ordinance is contrary to the U.S. and State Constitutions and illegal. Janet Robnett, 701 Front Ave., representing several clients, feels that engineering guidelines for site-specific development is laudable, but creating aesthetic regulations is questionable. She suggested separating the engineering standards and aesthetic design and adopt the engineering designs now and lifting the moratorium. Mike Verbillis, 212 Lakeview Drive, Fernan Village, noted that the U.S. Supreme Court states that land use regulations are not a taking of personal property. Chuck Church, 303 N. Washington, Prairie City, OR, who owns the hillside property on Fernan Lake feels that no one wants the hill to be developed so they can get together and buy it from him.

RECESS: Mayor Bloem called for a recess at 8:25 p.m. The meeting resumed at 8:34 p.m.

PUBLIC COMMENTS CONT'D: John Bruning, 618 Military Drive, spoke on behalf of the Planning Commission as its Chairman. He noted that there is a difference between developing flat lands and hillsides, including erosion. He reported that the proposed regulations direct that any major deviation go before the Planning Commission for review. Tree regulations are set for practical reasons, erosion control being one of the reasons. He noted that if the Council wishes to refer this back to the Planning Commission, they are willing to review the proposed regulations but please remember that there are time restrictions and they would need time to review. Loretta Hartman, 4110 Lodge Pole, realtor who sold Chuck Church the hillside property, noted that most of the property being affected by the proposed regulations are an R-3 zoning which would essentially change the buildable area to an R-1 zoning if these regulations are implemented. Tom Torgerson, 703 Riverside

Harbor, Post Falls, President of Coeur d'Alene Association of Realtors, expressed the Association's thanks to the City staff for their work on the development of these regulations. They are not taking any position on the regulations, but urge strongly that staff dedicate more time to complete the regulations so the moratorium could be lifted in a 45-day period of time. Mike Reagan, 213 Lakeview Drive, Council President for Fernan Village, requested that development density be dictated by grade of slope and give development credits to build elsewhere. He also requested that the moratorium be continued and Council give staff direction on what specifically the Council wants on hillside development. David Taylor, 3502 N. 12<sup>th</sup>, Coeur d'Alene, feels that there is a great potential that if the Council adopts this ordinance, the City could be taken to court for takings of private property.

Motion by Goodlander, seconded by Reid to accept the three written comments received from School District 271, Idaho Department of Lands and Kim Riley. Motion carried.

Motion by Reid, seconded by Edinger to refer the ordinance back to staff to incorporate some of the ideas presented tonight including graphic illustrations; the 30-foot cut and fill total to see if it is doable; to be more site specific and identify what we mean by site e.g. one lot, two lots, we need more definition; look at the idea of a density being related to grade; review the proposed ideas from Ed Morse; separate the issues of hillside development over water from hillside development over valleys; obtain input from DEQ for water issues; and, any section in the ordinance that is covered in the UBC or other ordinances should be referenced instead of spelled out in this code section. Roll Call: Goodlander, Aye; Wolfinger, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye. Motion carried.

**PUBLIC HEARING – O-9-02 – HILLSIDE DEVELOPMENT INTERIM MORATORIUM:** Mayor Bloem announced that the current moratorium will expire on December 24, 2002 and, if the Council wishes to continue the moratorium until regulations can be put in place, they may want to pass Ordinance No. 3092 extending the deadline for the moratorium.

Public Comments: Janet Robnett, 701 Sherman Ave., voiced her concerns of a moratorium and ask the Council not to take a full 120 days. Mike Reagan, 213 Lakeview Dr., feels Council should take the full 120 days and, if the revisions are done sooner, then the moratorium could be lifted upon adoption of the ordinance. Mike Perez, 3747 Sky Harbor Drive, stated that the moratorium should be 120 days to give the City time to get everything that is needed in this ordinance. Tom Torgerson, 703 Riverside Harbor, Post Falls, requests that the moratorium be limited to 60 days.

#### ORDINANCE NO. 3092

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING AN INTERIM MORATORIUM BASED ON AN EXISTING IMMINENT PERIL TO THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE CITIZENS OF COEUR D'ALENE, AND IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE OF PLANNED UNIT DEVELOPMENT, SPECIAL USE, SITE DEVELOPMENT, SUBDIVISION OR BUILDING PERMIT APPLICATIONS ON HILLSIDE LOTS, PARCELS OR TRACTS, HAVING TOPOGRAPHICAL SLOPES OF FIFTEEN PERCENT (15%) OR GREATER, OR WHERE ADVERSE SLOPE STABILITY, EROSION, OR SEDIMENTATION ARE

**LIKELY TO CAUSE DAMAGE; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR A TERMINATION DATE.**

Motion by Edinger, seconded by Goodlander to extend the moratorium for a 90-day period of time and to pass the first reading of Ordinance No. 3092.

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

Motion by Reid, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3092 by its having had one reading by title only.

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

**RECESS:** Mayor Bloem called for a recess at 9:55 p.m. The meeting resumed at 10:02 p.m.

**CHRISTMAS WISHES:** Councilman McEvers wished everyone a great Christmas and believes that the City looks great with all the various decorations.

**LIBRARY FUND RAISER:** Councilman Goodlander announced that the Library Foundation is offering to wrap gifts for a small price at the Plaza from now until Christmas.

**EXECUTIVE TEAM REPORT:** Executive Team Representative, Doug Eastwood, announced that the Recreation Department is now holding registration for Kid's Wrestling, basketball and swimming lessons, so please contact the Recreation Department for more details. The Fire Dept. held their annual skate night at Skate Plaza with an admission of 3 items of nonperishable food items. City staff are reminding residents to place snow tires on their vehicles for the coming Winter months and requested residents to please remember to slow down during the snow season, and also urged residents to keep their sidewalks cleared of snow and ice. Mr. Eastwood announced that the City's new web interactive site would be available Dec. 24<sup>th</sup> and invited all residents to visit the web site at [www.cdavid.org](http://www.cdavid.org).

#### RESOLUTION 03-014

**A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A MEMORANDUM OF UNDERSTANDING FOR DEVELOPING OUTDOOR RECREATIONAL OPPORTUNITIES, WITH NORTH IDAHO COLLEGE AND THE IDAHO DEPARTMENT OF PARKS AND RECREATION.**

Motion by Goodlander, seconded by Wolfinger to adopt Resolution 03-014.

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

**RAMSEY PARK CONCEPT:** Motion by Wolfinger, seconded by Goodlander to adopt the Ramsey Park Baseball Field Concept with the addition of a walkway between the fields from the parking lot to the existing Ramsey Park. Motion carried.

#### RESOLUTION 03-015

**A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR TRUNK, DIAL TONE AND LONG DISTANCE SERVICE WITH XO COMMUNICATIONS, ITS PRINCIPAL PLACE OF BUSINESS AT 1330 N. WASHINGTON STREET, STE. 5000, SPOKANE, WA 99201.**

Motion by Goodlander, seconded by Wolfinger to adopt Resolution 03-015.

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

#### RESOLUTION 03-016

**A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A CONTRACT WITH G. D. LONGWELL ARCHITECTS FOR CITY HALL EXPANSION.**

Motion by Goodlander, seconded by McEvers to adopt Resolution 03-016.

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

#### RESOLUTION 03-017

**A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING RATE ADJUSTMENTS AS PROPOSED BY DELTA DENTAL, BLUE CROSS AND GROUP HEALTH OPTIONS FOR HEALTH AND DENTAL INSURANCE.**

Motion by Goodlander, seconded by Wolfinger to adopt Resolution 03-017.

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

**LOCAL IMPROVEMENT DISTRICT FOR FRUITLAND LANE:** Motion by Reid, seconded by McEvers to direct staff to proceed with design and construction of sewer on Fruitland Lane and the formation of an L.I.D. for cap fees and a share of the construction costs to cover the hookup fees and a service lateral. Motion carried.

#### RESOLUTION 03-018

**A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN INTERAGENCY AGREEMENT WITH THE CITY OF POST**

FALLS, CITY OF HAYDEN, CITY OF RATHDRUM, LAKES HIGHWAY DISTRICT, EAST SIDE HIGHWAY DISTRICT, WORLEY HIGHWAY DISTRICT, POST FALLS HIGHWAY DISTRICT, IDAHO TRANSPORTATION DEPARTMENT, AND KOOTENAI COUNTY, TO FORM A METROPOLITAN PLANNING ORGANIZATION, DEFINE ITS ORGANIZATION AND POWERS AND ESTABLISH A JURISDICTIONAL AREA.

Motion by Edinger, seconded by Reid to adopt Resolution 03-018.

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

**EXECUTIVE SESSION:** Motion by Reid, seconded by Wolfinger to enter into Executive Session as provided by Idaho Code 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.

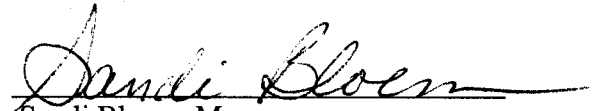
ROLL CALL: McEvers, Aye; Reid, Aye; Goodlander, Aye; Edinger, Aye; Wolfinger, Aye.  
Motion carried.

The session began at 10:30 p.m. Members present were the Mayor, City Council, City Administrator and City Attorney.

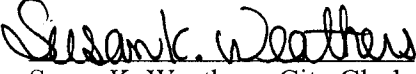
Matters discussed were those of property acquisition, personnel matters, and labor negotiations and pending litigation. No action was taken and the Council returned to regular session at 11:25 p.m.

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

The meeting adjourned at 11:25 p.m.

  
Sandi Bloem, Mayor

ATTEST:

  
Susan K. Weathers, City Clerk