

MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL,  
JANUARY 16, 2007

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, January 16, 2007 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Al Hassell	)	Members of Council Present
Woody McEvers	)	
Loren Edinger	)	
Dixie Reid	)	
Mike Kennedy	)	
Deanna Goodlander	)	

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

**INVOCATION** was led by Pastor Paul Peabody, Grace Bible Church.

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

**PRESENTATIONS:**

PRESENTATION- "2006 Disability Advocate Awards": Amy Dreps from the Community Action Center presented two awards for Exemplary Service - one for business and one for volunteers.

PRESENTATION - "ITD Signalization on U.S. 95": Mike Porcelli, for ITD District 1 Traffic Engineer, presented an overview of Highway US 95 noting that the current route through Coeur d'Alene began in 1974. At that time speed limits were at 55 mph; however, over the years traffic signals were added to US 95 starting north of Appleway which has caused congestion on both US 95 and city roadways. He noted that the access management policy is based on the Administrative Rules of ITD. Mr. Porcelli then explained how signal timing is determined. He noted that over the years ITD has completed timing review studies on US 95 as well as having studies conducted by other entities such as University of Idaho, W&H Pacific, and Kittelson. Councilman Reid noted that KMPO is working on intersection closures on US 95 and invited any citizen interested in working on a subcommittee to contact her. Councilman Edinger asked if there were going to be public hearings on any proposed intersection closure. Mr. Porcelli noted that there will be some public input including public workshops.

**PUBLIC COMMENTS:**

NEW FIREFIGHTERS: Kenny Gabriel, Fire Chief, 311 Mill Avenue, introduced the five new firefighters who are currently training but have minimum Level 1 standard for firefighters and a basic EMT level of experience.

SANDERS BEACH: Barb Crumpacker, 1015 Lakeside, voiced her concern that the East Lakeshore property owners want to eliminate public access at 11<sup>th</sup> Street and 15<sup>th</sup> Street. She also voiced her concern of allowing boats docking along that shoreline due to swimmers in the area. City Attorney Mike Gridley reported that the Department of Lands denied Mr. Franks' request for a dock at E. Lakeshore.

ARTS CENTER PROPOSAL: Teresa Colwes, 854 Victorian Drive, asked the City to utilize the former Library site as an Arts Center or the use of some other centrally located city-owned building. The purpose of this building is to provide a space for an art center and classes for children. Funding would come from grants and donations. She requested the Council authorize her to form a committee to complete research on possible funding sources, develop an annual budget and create a timeline. Councilman Edinger commended her for taking on such a big task.

EAST MULLAN HOMEOWNERS ASSOCIATION AND HISTORIC DISTRICT: Rita Snyder, 818 Front Avenue, representing the East Mullan Homeowners Association, announced that her group is in the process of developing a charter to establish their area as a historic district. She noted that her group has some concerns regarding the infill regulations and its impact on her neighborhood. In particular, there are an increasing number of requests for variances to the height limitations. She also noted that residents in the East Mullan Homeowners Association area were not made aware of the impact of infill regulations. She recounted an incident whereby a neighbor on Bancroft is being pressured to sell her home so a developer can construct a very large building on her site. The area of the East Mullan Homeowners Association encompasses 8<sup>th</sup> to 11<sup>th</sup> and from Mountain Avenue to the alley on Lakeside. She requested 10 minutes on the February 1<sup>st</sup> agenda of the City Council/Planning Commission workshop so the neighborhood could present their ideas on proposed regulations. Councilman McEvers commended the residents for developing a homeowners association. Councilman Hassell also commended the group for their efforts. Mayor Bloem directed that this item be added to the Council workshop on February 1, 2007. Councilman Kennedy asked if the group has any information to provide for council review prior to the meeting. Councilman Reid noted that if Mrs. Snyder provided the City Clerk with a copy of their information, that the City Clerk would distribute it to the Council.

GRAFFITI ON EAST LAKESHORE DRIVE SEAWALLS: Gerald Frank, 1415 East Lakeshore, requested that the City clean any graffiti that appears on his seawall. He noted that he has filed police reports on this graffiti. Councilman Kennedy asked what the city's code is for graffiti on private property. City Attorney Mike Gridley noted that the code basically says private property is the responsibility of the owner unless the Council provides for the City to maintain private property. Doug Eastwood responded that the City has only maintained public property and has not maintained any private

property. Councilman Reid apologized on behalf of all the citizens for the nature of the graffiti painted on his seawalls. Councilman Goodlander directed that the Police Department increase patrol of this area in order to curb this activity. Mr. Frank urged the Council, in view of the Supreme Court decision, to talk to the homeowners of East Lakeshore Drive regarding public access to their beach. He noted that he is willing to discuss the option of keeping his property open to the public and he believes that some of the other property owners are willing to discuss this issue with the City. Also, in regard to the statements previously made during public comments, he is not aware of any actions by the East Lakeshore property owners to eliminate public access at 11<sup>th</sup> Street and 15<sup>th</sup> Street. Councilman Hassell commented that if the City cleaned his graffiti then the City would need to clean all the graffiti on all private businesses and private property.

Linda Davis, 8381 Montrose Court, Hayden, Idaho, representing Copper Basin Construction announced that her organization and other developers will be having educational displays regarding housing information for this area. This event will take place February 22nd at the Cd'A Inn from 6:00 p.m. to 8:00 p.m. and she invited the public to attend.

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

1. Approval of minutes for January 2, 2006.
2. Setting of the Public Works Committee and General Services Committee meetings for January 22, 2007 at 4:00 p.m.
3. RESOLUTION 07-006: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT WITH G.D. LONGWELL-ARCHITECTS, PLLC, FOR THE FIRE STATION NO. 2 REMODEL PROJECT.
4. RESOLUTION 07-002: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AGREEMENTS FOR PARK AND POND OPERATION AND MAINTENANCE WITH RIVERSTONE WEST, ITS PRINCIPAL PLACE OF BUSINESS AT 104 SOUTH DIVISION STREET, SPOKANE, WA. 99204.
5. Authorizing the City to quitclaim a right-of-way easement located on Armstrong Park Hill.
6. Approval of Bills as submitted and on file in the Office of the City Clerk.
7. Setting of Public Hearings: ZC-1-07 - Zone Change at Beehive Homes for February 20, 2007.
8. Authorizing the Fire Department to negotiate a contract for the construction of the Training Facility.
9. SS-26-06 - Final Plat approval for Rainbow Ridge Condominiums.

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

**COUNCIL ANNOUNCEMENTS:**

COUNCILMAN REID announced that on March 22<sup>nd</sup> Milton Creagh will be in town speaking on substance abuse. He will be speaking at both high schools and the juvenile detention center.

COUNCILMAN HASSELL announced that there will be a Parks Master Planning public workshop on Jan. 24<sup>th</sup>, at 11:30 a.m. to be held at the Lake City Senior Center for our senior population and then another workshop on Thursday, January 25<sup>th</sup>, at 6:30 p.m. at Woodland Middles School for families, adults and children.

COUNCILMAN GOODLANDER reported that the Library group is selecting furnishings for new building. It is anticipated that the opening of the new library will be the end of July or first part of August. She also announced that the Library's proposed interior artwork is on display at the Art Spirit Gallery for the public to view and make comment.

COUNCILMAN KENNEDY announced that January 25th is the Association of Idaho Cities' Day at the Capital and Council members and staff will be attending this function. He added that although a majority of the Council will be traveling to Boise, they will not be deliberating towards any decisions.

**RESOLUTION NO. 07-007**

**A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR A WATER RATE AND CAPITALIZATION FEE STUDY WITH INTEGRATED UTILITIES GROUP, INC.**

Motion by Reid, seconded by Kennedy to adopt Resolution 07-007.

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

**PUBLIC HEARING - O-4-06 - NEW ZONING DISTRICT REGULATIONS:**

Mayor Bloem read the rules of order for this public hearing. City Planner, Dave Yadon, gave the staff report.

Mr. Yadon presented a request for the creation of two zoning districts: "*The Neighborhood Commercial District*" and "*The Community Commercial District*".

*The Neighborhood Commercial District* is intended to allow for the location of enterprises that mainly serve the immediate surrounding residential area and that provide

a scale and character that are compatible with residential buildings. It is expected that most customers would reach the businesses by walking or bicycling rather than driving.

*The Community Commercial District* is intended to allow for the location of enterprises that mainly serve the surrounding residential areas and that provide a scale and character that are compatible with residential buildings.

Both districts include a purpose, permitted uses, maximum building height, maximum floor area ratio, maximum floor area, minimum parking, setbacks, screening, landscaping and design standards.

Mr. Yadon noted that this action does not change the zoning of any property in the city.

Following two public workshop on August 16, 2006 and September 12, 2006, the Planning Commission recommended approval of the proposed amendments on December 12, 2006.

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

**DISCUSSION:** Councilman McEvers asked for an example where these regulations might apply. Mr. Yadon gave the example of a request a few years ago where a professional group had requested a zone change to allow their service in a residential area and at the time this was not allowed by zoning code. Mr. Yadon noted that these regulations restrict the height and size of buildings to those currently allowed in the residential zones. Councilman Kennedy asked if there were any unintended consequences to these proposed zoning changes. Mr. Yadon responded that this was discussed with the Consultant and the Planning Commission and they believe that the unintended consequences are much less with these regulations than the current zoning regulations.

**MOTION:** Motion by Goodlander, seconded by Hassell to approve the proposed changes to the zoning district regulations.

**DISCUSSION:** Councilman McEvers believes that the Commission has worked hard on these changes and it is worth at least trying the proposed changes.

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

**RECESS:** Mayor Bloem called for a brief break at 7:55 p.m. The meeting reconvened at 8:00 p.m.

**PUBLIC HEARING - O-5-06 - AMENDMENT TO CONDOMINIUM AND FINAL PLAT ORDINANCES:** Mayor Bloem read the rules of order for this public hearing. Deputy City Attorney Warren Wilson gave the staff report.

Mr. Warren Wilson reported that the Planning Commission has expressed interest in changing the process for approving condominium projects since the impacts created by these developments are addressed at building permit issuance rather than at a hearing before the Commission. In addition, staff has been working to prepare amendments to tighten requirements for final plats to ensure that pedestrian and bicycle improvements depicted on the preliminary plats are reflected on the final plats and are ultimately built.

He noted that by adopting the proposed amendments it will streamline the condominium approval process without changing the level of City review of the plat. The proposal would have staff review the impacts of the development at building permit as happens currently and the condominium plat would go directly to the City Council as a final plat.

The changes to the final plat process will help to ensure that any proposed ped/bike improvements that are shown on a preliminary plat are ultimately built by requiring that these elements are contained in the final plat.

These proposals were reviewed by the Planning Commission on December 12, 2006 and the Commission is recommending approval of these amendments. He did note that the Commission did not recommend a provision dealing with consent of all interest holders of platted property; however, staff is recommending this provision and added this is standard practice in several other municipalities.

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

ORDINANCE NO. 3281

COUNCIL BILL NO. 07-1003

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 16.04.015, 16.10.030, 16.10.045, 16.10.050, 16.10.060 AND 16.12.020 TO REQUIRE THAT PROPER PROVISION IS MADE IN SUBDIVISIONS FOR SIDEWALKS AND PEDESTRIAN/BICYCLE FACILITIES AND TO REQUIRE THAT FINAL PLATS INCORPORATE ALL SUBSTANTIVE ELEMENTS OF APPROVED PRELIMINARY PLATS; ADOPTING A NEW SECTION 16.08.157 TO DEFINE CONDOMINIUM PLATS; AMENDING SECTION 16.12.060 TO REQUIRE THAT ALL PLATS BE ACCOMPANIED BY A CERTIFICATE SHOWING THE CONSENT OF ALL PERSONS HOLDING AN INTEREST IN THE PROPERTY; AMENDING SECTIONS 16.36.010, 16.36.040 AND 16.36.060 TO REMOVE REFERENCES TO CONDOMINIUM PLATS AND TO ESTABLISH PROCEDURAL REQUIREMENTS

FOR PROCESSING SHORT PLATS; ADOPTING A NEW CHAPTER 16.37 TO REGULATE CONDOMINIUM PLATS; ADOPTING NEW SECTIONS 16.37.010, 16.37.020, 16.37.030,16.37.040, 16.37.050, 16.36.060.16.36.070, 16.36.080 AND 16.37.090 TO ADOPT PROCEDURAL RULES FOR REVIEWING AND APPROVING CONDOMINIUM PLATS INCLUDING APPLICATION REQUIREMENTS, REQUIRED IMPROVEMENTS AND CERTIFICATES, APPROVAL BY THE CITY ENGINEER AND CITY COUNCIL AND ADDITIONAL REQUIREMENTS FOR PHASED CONDOMINIUMS; REPEALING SECTIONS 16.12.050, 16.32.030, 16.36.015 AND 16.36.070; 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 Edinger, seconded by Hassell to pass the first reading of Council Bill No. 07-1003.

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

Motion by Kennedy, seconded by McEvers to suspend the rules and to adopt Council Bill No. 07-1003 by its having had one reading by title only.

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

**EXECUTIVE SESSION:** Motion by Reid, seconded by McEvers to enter into Executive Session as provided by Idaho Code 67-2345 SUBSECTION C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property, which is 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; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye. Motion carried.

The Council entered into Executive Session at 8:17 p.m. Those present were the Mayor, City Council, City Administrator, and City Attorney. Matters discussed were those of property acquisition and litigation.

No action was taken and the Council returned to regular session as 8:35 p.m.

**ADJOURNMENT:** Motion by Edinger, seconded by Goodlander to recess to January 22, 2007 at 5:30 p.m. for a joint meeting with the School District 271 Board, then recess to January 23, 2007 at 12:00 noon for joint workshop with Arts Commission and then

recess to February 1, 2007 at 12:00 noon for a joint workshop with the Planning Commission. Motion carried.

The meeting recessed at 8:37 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, CMC  
City Clerk