

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL,
MARCH 15, 2005

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, March 15, 2005 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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: Pastor Glen Weber from Living Grace Community Church led the invocation.

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

PRESENTATION – LCDC ANNUAL REPORT: Executive Director, Tony Berns, presented the Council with the written report of the activities of the Lake City Development Corporation for the past year. He gave a brief review of the history of the creation of LCDC, the boundaries of the 3 urban renewal districts and the members of the Board as well as their various subcommittees. Mr. Berns then outlined the Board's priorities for 2005. He reported that this past year's budget at \$5,894,606. Councilman Goodlander commended Mr. Berns for the excellent job that he is doing for LCDC.

PUBLIC COMMENTS:

CITIZEN COMPLAINTS :Dennis Henrichsen, 946 E. Spruce Ave., voiced his concerns of resident abuse in the area's assisted living facilities. He is requesting that the Police Department create a tracking system for reports for any citizen to be able to access to find out about any complaints made against any issue in the City. He would like the City to form a Commission to oversee these types of facilities and the Commission would be responsible to hear his complaints and resolve his issues. Patricia Powell, P.O.1056, Hayden , Idaho, challenged the City Council to create a system that will track complaints received on abuse of the elderly, and follow up on all complaints. Councilman Wolfinger announced that there are two bills in the legislature regarding abuse of vulnerable adults that will give the Police Department the ability to investigate such complaints. He suggested that she contact State legislators Phil Hart and Jim Clark to ask for their vote to pass these bills.

PLANNING COMMISSION CONSULTANT REQUEST: John Bruning, Chairman of the Planning Commission, requested that the Council approve the hiring of a consultant to help complete some of the following projects: Revising several zoning codes such as a landscape ordinance, commercial zoning districts, lighting, parking regulations, PUD regulations, subdivisions including neighborhood designs, Downtown height limits updating the Comprehensive Plan. Council President Reid asked if they have a figure of what a consultant would cost. Mr. Bruning responded that they do not have an estimate at this time. Council President Reid requested that the Commission prepare a cost estimate for the Council to review during the budget review process. Susan Snedaker, 821 Hastings, Coeur d'Alene, Chairman of the Design Review Committee of the Planning Commission, requested that the Council and LCDC partner to hire a consultant to complete the Downtown Height regulations. Councilman Goodlander asked if by height they intend to include view corridors. Ms. Snedaker responded that it does include view corridors. Ms. Snedaker noted that she believes that the design standards are not strong enough for some of the issues that presently concerning some citizens.

FREQUENTLY ASKED QUESTION: I am interested in the "Adopt-a-Street program. How do you sign up for this program? Jon Ingalls, Streets Maintenance Superintendent responded that presently 33 groups on 33 streets with a total of approximately 400 volunteers have picked up 300 bags of trash on city streets. He announced that any family, group or organization that wishes to participate in the Adopt-a-Street program may contact the Street Dept. at 760-2233. Council President Reid asked what is the date for the City's adopt-a-street to clean up their street. Jon announced that April 14th is the date for the City's pickup.

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

1. Approval of minutes for March 7, 2005.
2. The Public Works Committee and General Services Committee are scheduled for March 21st at 4:00 p.m.
3. 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 FINAL PLAT AND SUBDIVISION IMPROVEMENTS AGREEMENT FOR MILL RIVER, 1ST ADDITION AND APPROVAL OF AMENDMENT NO. 2 TO PROJECT #1 FOR PROFESSIONAL SERVICES AGREEMENT WITH PANHANDLE AREA COUNCIL
4. SS-12-04-Final Plat approval for Glacier Wilbur 425 Addition
5. Approval of Beer/Wine License for Smoke N' Shop at 155 W. Neider
6. Approval of bills as submitted and on file in the City Clerk's Office
7. Setting of Public Hearings: ZC-1-05, ZC-2-05 for April 19, 2005
8. Correction to the March 1st Council minutes noting that the Invocation was led by Pastor **Tim** Remington and that Councilman Edinger was not present and did not vote on Resolution 05-019.

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

TUBBS HILL CONTROL BURN: Council man Hassell announced that due to the weather, we may have a unique opportunity this year to do a controlled burn on a part of Tubbs Hill that has not been possible in the past. This area of approximately 15 acres is on the northern-most end of the west side of Tubbs Hill, directly north of the area that has been burned in the past. Controlled burning is part of the Tubbs Hill Management plan. The goals are to eliminate ground fuels, to knock back tall shrubbery that can act as a "ladder" that could carry fire into tree tops, and to favor ponderosa pine seedlings over Douglas fir. In addition, brush immediately adjacent to the fire road will be cleared to make emergency access safer. If the weather conditions are right, it is anticipated that the controlled burn will take place on a weekday between March 17 and March 25. Access to Tubbs Hill will be restricted on the day of the burn. The Coeur d'Alene Fire Department and Parks Department will be assisted by personnel from the Idaho Department of Lands and other local fire agencies. More information about controlled burning can be seen in a PowerPoint presentation on the city's TV channel—CDATV on Channel 19.

APPOINTMENT – CHILD CARE COMMISSION: Motion by Reid, seconded by McEvers to appoint Jean Felker and Sandra Ruiz to the Child Care Commission. Motion carried.

APPOINTMENT – ANIMAL CONTROL ADVISORY BOARD: Motion by Reid, seconded by McEvers to appoint Tom Reed representing Kootenai County Animal Control Sgt. Jason Ayers from the Coeur d'Alene Police Department to the Animal Control Advisory Board. Motion carried.

EXECUTIVE TEAM REPORT: On behalf of the Executive Team, Troy Tymesen, announced the following: Basketball and softball registration for boys and girls, ages 5 through 13 will begin May 9th through the 20th, at the Recreation Department on the first floor of City Hall, 710 E. Mullan Avenue. Also, the entry deadline for adult coed softball is Friday, April 16th. Contact the Recreation Department for more information at 769-2250. The City Council and city staff will be conducting a Strategic Planning Retreat on April 7th, which will identify and prioritize the goals of the city in relation to the Council's six strategic categories. Library patrons who need sample tests and tutorial courses in pursuit of new careers will find these resources by visiting the Library's website at www.cdalibrary.org. For more information about the Coeur d'Alene Public Library call 769-2315. Kudos go to Susan Weathers, our Municipal Services Director, who has been awarded the International Institute of Municipal Clerks' designation of CERTIFIED MUNICIPAL CLERK! As you may have noticed, the city has begun removing the worn-out playground equipment at McEuen Field. The play equipment will be replaced with new equipment that can be moved to another site within the park when the McEuen Field Master Plan is implemented. Also, due to the unusually warm weather the City has opened the parks earlier than normal. All park outbuildings are available for

use. Letters will be going out this week to Juniors in School District 271 schools, inviting them to apply to serve on the city's boards, commissions, and committees. Please call Victoria Bruno at 769-2204 if you have any questions. Kootenai County "WILD" program - Work in Lieu of Detention--was thanked for their work in sweeping the winter sand off of city sidewalks over this past weekend. The pledge drive to collect funds for ongoing operations of the proposed Ray and Joan Kroc Corps Community Center has been extended to March 25th. The Salvation Army has extended the grant deadline for all applicants, and that gives fundraisers an opportunity to meet a goal that was thought to be out of reach: \$1 million in pledges. For information about pledges, please call Jack Riggs at 765-3326. Entry forms and rules for the 2005 Writers Competition are available at the Coeur d'Alene Public Library, 201 E. Harrison Avenue. Forms can be picked up in person or obtained by mail by sending a self-addressed, stamped envelope to the Library. For more news and information about the library, visit www.cdalibrary.org on the web. The new Library Director position has been accepted by Betty Ammon from Missoula, MT. She will joining the Library staff the middle of April. A project team has been formed in conjunction with the Library Board who has completed a timeline for the new library building and are currently meeting every two weeks. Likewise, the Public Safety group has formed an oversight committee.

REJECTING BIDS – BUCKET TRUCK: Motion by Hassell, seconded by Edinger to reject all bids for the Parks Department bucket truck and authorize staff to solicit proposals to replace the telescopic boom only. Bill Greenwood reported that the boom could be placed on the existing truck but then be transferred to a new truck in 2008. Motion carried.

BID AWARD – TRACTOR WITH ATTACHMENTS: Motion by Hassell, seconded by Goodlander to accept the bid from Ragan Equipment for the purchase of a tractor with attachments in the amount of \$32,897.00. Motion carried with Wolfinger abstaining.

DONATION REQUEST FOR UTILITY BILLING STATEMENT: Councilman Hassell requested that this item be referred to General Services Committee. Mayor Bloem concurred.

WATER CONSERVATION PARTNERSHIP: Motion by Reid, seconded by McEvers to endorse a water conservation partnership with Kootenai Environmental Alliance. Motion carried.

RESOLUTION NO. 05-021

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE CITY TO COMPLETE THE PURCHASE OF APPROXIMATELY 121 ACRES OF REAL PROPERTY LOCATED ON RAMSEY ROAD (AJW PROPERTY) AND TAKE ALL NECESSARY STEPS TO EXCHANGE THE AJW PROPERTY FOR PROPERTY OF LIKE VALUE OWNED BY THE COEUR D'ALENE PARKDS FOUNDATION IN THE EVENT THAT COEUR D'ALENE IS AWARDED A KROC FOUNDATION GRANT FOR THE DEVELOPMENT OF A COMMUNITY CENTER IN COEUR D'ALENE.

Motion by Reid, seconded by Goodlander to adopt Resolution 05-021.

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

RESOLUTION 05-022

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ACCEPTING THE BID OF HEREFORD CONSTRUCTION AND EXCAVATING, INC. FOR THE NORTHWEST BOULEVARD BIKEWAY PROJECT.

Motion by Wolfinger, seconded by Reid to adopt Resolution 05-022.

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

ORDINANCE NO. 3204 Council Bill No. 05-1001

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 (RESIDENTIAL AT 12 UNITS/ACRE) TO C-17L (COMMERCIAL LIMITED AT 17 UNITS/ACRE), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: LOT 1, BLOCK 5, SIMMS ADDITION IN THE SOUTHWEST ¼ OF SECTION 12, TOWNSHIP 50 NORTH, RANGE 4 WEST, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; 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 Reid, seconded by Edinger to pass the first reading of Council Bill No. 05-1001.

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

Motion by Reid, seconded by Woflinger to suspend the rules and to adopt Council Bill No. 05-1001 by its having had one reading by title only.

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

.ORDINANCE NO. 3205
Council Bill No. 05-1002

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 (RESIDENTIAL AT 12 UNITS/ACRE) TO C-17 (COMMERCIAL AT 17 UNITS/ACRE) AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: THE EAST ½ OF TRACTS 67, 68, AND 69, FRUITLANDS ADDITION ACRE TRACTS, IN THE NORTHEAST & SOUTHEAST QUARTERS OF SECTION 2, TOWNSHIP 50 NORTH, RANGE 4 WEST CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; 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 McEvers to pass the first reading of Council Bill No. 05-1002.

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

Motion by Edinger, seconded by Woflinger to suspend the rules and to adopt Council Bill No. 05-1002 by its having had one reading by title only.

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

ORDINANCE NO. 3206
Council Bill No. 05-1003

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 MH-8 TO R-12 AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: TRACT 55, FRUITLANDS ADDITION ACRE TRACTS, IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; 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 Reid, seconded by Wolfinger to pass the first reading of Council Bill No. 05-1003.

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

Motion by Wolfinger, seconded by Edinger to suspend the rules and to adopt Council Bill No. 05-1003 by its having had one reading by title only.

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

PUBLIC HEARING – ZXC-3-04 M.1 AND S-2-04 M.1 – COPPER RIDGE: Mayor Bloem read the rules of order for this quasi-judicial public hearing. No Councilman declared a conflict of interest. John Stamsos, Associate Planner, gave the staff report. Motion by Reid, seconded by Wolfinger to limit public testimony, other than the primary applicant and opponent, to three minutes each. Motion carried with Hassell voting no.

Mr. Stamsos gave the applicant's name as Copper Ridge, LLC, the location as +/- 49.13-acre parcel located north of Shadduck Lane and east of Canfield Meadows Subdivision and the reason for the request as a zone change from R-1 to R-3 for the 25.32-acre residential portion of the subject property with the open space remaining at R-1 as well as a plat approval of the Copper Ridge 41-lot subdivision.

He went on to give the staff analyses for land use, zoning, comprehensive plan, utilities, traffic and streets. He noted that one correction to the staff report reference to the trail is incorrect in that the trail has not yet been constructed. He reported that on January 11, 2005 the Planning Commission approved both the zone change and plat with the following conditions:

1. Sanitary sewer installation will be required in Shadduck Lane to the easterly boundary of the subject property as determined by the Wastewater Department.
2. A statement will be placed on the plat restricting water service from the proposed Lot 41 as shown on the preliminary plat.
3. Water main installation will be required to the easterly boundary of the subject property to facilitate development, as determined by the Water Department.
4. The developer will be required to construct the full length road section for Shadduck Lane to the easterly boundary of the adjoining Prospector Ridge development. Sidewalk installation will be required along the northerly side of Shadduck Lane to the proposed lot 4 shown on the development submittal drawing.
5. A complete grading plan will be required for the streets as well as a detailed erosion control plan for construction.
6. All grading and site development shall conform to the recommendations in the soils report for the project. The project soils engineer shall submit a final report confirming that these recommendations have been adhered to.

7. Soils with adequate permeability shall be excavated from all swales and replaced with soils of adequate permeability.
8. The developer will construct a landscape buffer meeting the requirements of M.C. 16.20.240 and meeting the buffering requirements of M.C. 17.06.830(D) along the double frontage lots platted by the developer along Shadduck Lane and submit a copy of the CCRs for the homeowners association to the City Attorney's office to ensure that the homeowner's association will maintain and irrigate all swales and landscape buffers along the north side of Shadduck Lane.
9. The developer will be required to either retain existing trees or plant evergreen trees of at least 1.25 inch caliper along the south side of Shadduck Lane adjacent to the Prospector Ridge subdivision in order to screen the homeowners in Prospector Ridge from headlights exiting the development.
10. The developer will preserve the maximum number of trees possible, including the large Siberian Elm trees located near the end of the proposed Copper Wood Court, during the development of the subject property.
11. Only fencing materials that blend into the natural surroundings may be used on the face of Canfield Mountain. The developer will be required to place this restriction in the CCRs for the development and submit the CCRs to the City Attorney's office for review and approval.
12. It is the intention of the developer to donate lot 41 for open space to be open to the general public for recreational uses. Therefore, the developer will work in good faith with the City and other interested parties in developing a method to accomplish this donation.

Mr. Stamos reported that a total of 96 notices were mailed for this public hearing. 29 responses were received - 5 in favor, 24 opposed, 0 neutral. Written comments were distributed for Council review.

COUNCIL QUESTIONS: Jim Markley responded to Council questions regarding water pressure to this area and in particular water pressure at certain elevations in this proposed development. Mayor Bloem asked if the annexation agreement noted the maximum elevation that the City would provide water service. Warren Wilson responded that the agreement does stipulate that the 2,275 elevation is the maximum elevation that construction would be allowed.

PUBLIC COMMENTS: Steve Wetzel, 5510 N. Parkwood Lane, CdA, attorney for the applicant, noted that tonight's request is a result of cooperation between the developer and the opposing parties to this development. He reviewed the changes made from the original request to what is being presented tonight. He noted that a new street alignment of Shadduck Lane is being presented as a result of the meetings with the neighboring residents. Another change in response to the issue that was a concern of the neighborhood is that the developer is designing a path generally along the existing path used today. He reported that Copper Ridge, as presented tonight, meets all the requirements of the City. He announced that the developer is proposing to donate Lot 41 as a tax donation to the City. The applicant reported that the Council cannot put any kind of requirements on the donation of Lot 41 or it will void it as a donation. Therefore, he is

requesting that the City not consider the donation as part of this zone change and plat. He requested that the no build restriction on Lot 41 be removed. He pointed out that the lot line between lots 4 and 5 was realigned.

Susan Moss, landscape architect, 5415 N. Linden Road, Otis Orchards WA, reviewed the proposed roadway for this subdivision which includes water lines, sidewalks, landscaping, swales, planting buffer and the saving as many trees along the Shadduck Lane roadway as possible. She noted that the developer is paying for all these improvements. The Copper Ridge side of Shadduck Lane will be paying for the irrigation on their side of the roadway. As for the Prospector Ridge side of Shadduck Lane, the watering issue has not yet been decided. The proposed roadway will narrow from 35 feet to 32 feet.

Mr. Wetzel noted that there are two vehicular access points and 5 pedestrian access points throughout this development.

Steve Syrcle, Inland Northwest Consultants, 3712 Stack Road, CdA, reported that a perk test was conducted on the swale area and it will support the development. Mr. Wetzel noted that the Planning Commission placed a special condition on the drainage issue. Mr. Syrcle suggested making a condition of this plat to provide a plan for certain drains in areas that are know to have a problem with ground water runoff. Mr. Wetzel suggested making this a condition of the CCRs.

Councilman Edinger asked why Shadduck Lane was narrowed to 32 feet. Mr. Wetzel responded that when Prospector Ridge was developed fences were constructed closer than normal and to avoid the removal of several trees and fences, it was decided to narrow the roadway adjacent to Prospector Ridge to 32 feet. This was also a compromise with the Prospector Ridge homeowners.

Councilman McEvers questioned the reasons why they are requesting the removal of the No Build designation on Lot 41. Mr. Wetzel responded that the reason for removing the No Build restriction to Lot 41 is a means to protect the value of the lot and that the donation works.

Councilman Edinger questioned the difference in information regarding the neighbors saying they are in favor of the subdivision in the newspapers and then responses being received showing they are opposed to the zone change. Mr. Wetzel responded that the neighbors opposed the Planning Commission conditions but approve the changes they have made since the Planning Commission made their conditions. John Stamsos noted that any substantial changes would have to go back to the Planning Commission. Warren Wilson responded that not all the changes are not necessarily bound to the zone change request but rather construction, design standards which can be addressed through the platting phase. Councilman Goodlander wanted to know if 'No Build' referred to roadways as well. Warren Wilson responded that the annexation agreement states that the developer cannot build any structure above 2,275 that requires water. He also noted that the Hillside regulations dictate that a roadway would have to be designed to those

standards. Mr. Wetzel reaffirmed that if any restrictions are placed on Lot 41, then the donation is diminished substantially. The plan is to donate the property directly to the City and not the Parks Foundation.

RECESS: Motion by Edinger, seconded by Goodlander to take a 5 minutes recess. Motion carried with Reid voting no. The meeting recessed at 8:35 p.m. The meeting reconvened at 8:46 p.m.

PUBLIC COMMENTS Conf'd:

Jim Pierce, 3846 Miners Loop, speaking as the primary opponent, reminded the Council of the support for purchasing Canfield Mountain. He noted that his group is opposed to the plan that came out of Planning and Zoning. He believes that the best use of this land is for recreation; but they have worked towards a compromise for this development. Two areas of concern are to sustain non-motorized trails through Canfield Mountain and to restrict the sewer system only to this development. He also recommended that the reduced road width on Shadduck Lane adjacent to Prospector Ridge be permitted to allow for the additional buffer between the roadway and properties in Prospector Ridge. He is also concerned about the runoff. Additionally, he asked that as many trees as possible be preserved. He is requesting a grading and construction plan for construction. He believes that the only resistance that his group has come up against is City staff in regards to the narrowing of Shadduck Lane. He announced that his group will hold the city accountable for water pressure, storm water run off, ground water irregularities and traffic. Again he does not support the Planning Commission's recommendation but is willing to compromise for the proposed recreational area. He noted that his group supports no development but would settle for a compromise.

Ellen Rogers, 5400 N. Martha Loop, Cumberland Meadows, voiced her concern on the water pressure in this area and would like to see some assurance that her water pressure will be better than 40 PSI.

Ron Coleman, Martha 5437 Loop, commented that the R-1 zoning serves as a buffer between the county's agricultural-suburban and the surrounding neighborhood. He believes that tonight's proposal is the lesser of two evils.

Jay Barnett, 3900 Miners Loop, commented on double-frontage lots as it relates to the proposed development by the developer. Warren Wilson noted that one of the requirements for this subdivision is that a homeowners association must be formed and the association must maintain all swales in the subdivision. John Stamsos noted that there is nothing in the code what discourages gates being placed so homeowners can maintain the swales abutting their property.

Ron Cope, 3864 N. Miners Loop, addressed his concerns of buffering between the Copper Ridge development and Prospectors Ridge development and requested that the Council require a 10-foot buffer and to utilize the pine trees that currently exist. He noted that with the qualifications made tonight along with trusting that lot 41 will be donated to the City that he would be in favor of the proposed development.

Leo Brown, 3949 N. 22nd Street, voiced his concern of increased traffic and asked for a traffic signal at Shadduck and 15th Street.

Glenn Truscott, 3774 Sutters Way, voiced his concerns regarding all the items that 'fell through the cracks' as well as his concern that the roadway would create a 17-foot high cut into the mountain at a 50% slope.

David Barnett, 3900 Miners Loop, voiced his concern of the proposed roadway construction and the lack of a bikeway plan.

Mark Ridgewell, 2702 Thomas Hill Dr., requested that any new infrastructure extend no further than as far as the construction occurs and not to the end of the subdivision. He would be in support of this subdivision if the changes proposed are accomplished.

Woodrow Pierce, 3749 Miners Loop, commented that he believes that the City must require compliance with the stormwater regulations.

Ron Newman, 4183 Deerfield Drive, voiced his concern of having public access to and views of Canfield Mountain. He requests a guarantee of access and views of the mountain.

Chianta Shadduck, 2014 E. Sundown Drive, Coeur d'Alene, asked the Council to preserve Canfield Mountain.

Kristen Lee, 3874 N. Alex Street, voiced her concern of preserving open space on Canfield Mountain.

Jane Thomas, 3828, Miners Loop, asked the Council to use the Comprehensive Plan and zoning regulations in making a determination in this matter.

Roberta Truscott, 3774 Sutter Way, reminded the Council of the City's logo.

Marvin Erickson, 4095 E. Erickson Drive, noted that the roadway is not a dead end road and intends it to be a driveway and he asked that the council uphold the city code and provide infrastructure lines be extended to the subdivision's property line. He also noted that he is denying access to his portion of Canfield Field. He is also willing to sit down with any reasonable person on the issues but until they are resolved he will keep his property closed. He reported that the county is the one that required him to build his roadway to their standards when all he wanted to do is build a small access road. He noted that he has hauled in 20 truck loads of dirt to encourage vegetation and has planted several trees. He logged the trees because the trees are diseased and by doing a severe cut of the fir and the move to pine (he has 2,000 pine trees ordered) in order to abate the infestation. He noted that he plans on drilling 3-4 wells on the mountain.

Michelle Panos, 3936 Miners Loop, said that she does not mind having her sprinkler system extended to the frontage on Shadduck Lane. She would like to see more

challenging parks as opposed to the parks with swings and sides. She would like to see the city have an easement to the top of Canfield Mountain.

REBUTTAL:

Steve Wetzel, commented that this developer has tried very hard to try and work out everything between the city and the neighbors and has spent over \$100,000 in an attempt to try to comply with all the wishes of the neighbors. He had never meant to imply that the City had agreed to the Shadduck extension, but rather that this is what the neighbors desired and they are trying to comply with their wishes. In regards to maintenance, he feels this issue is resolved. Regarding vehicular access, the developer would not mind restricting vehicular access to Copperfield Ct. He demonstrated that the proposed development is lower than the homes built on Shadduck Lane. He noted that in regards to traffic, Shadduck Lane was designed to handle this development. This subdivision would not decrease the water pressure to any other household. He also noted that no one would do a 45 foot setback on any lot in this development as the cost would be prohibitive. He stated that the easement as presented will be given to the City. He distributed a copy of the 12 conditions placed on this Planning Commission noting that item 1 is okay, 2 could be deleted, 3 is okay, 4 he suggested amending that developer be required to construct the road extension of Shadduck Lane as indicated on the landscape exhibit presented tonight. Items 5-6-7-8 are okay and 9 could be deleted completely. Item 10—he noted that is too subjective to we are going to preserve the maximum number of trees possible, in that the opinions of maximum of the opposition and the opinion of the homeowners in the future will differ; however, they will agree to preserve the trees homeowners agreed to in the plan. Item 11 is okay and item 12 should be deleted in its entirety as it is a matter of trust and the developer wants to make a donation to the city and the city cannot force the donation at it negates it being as a charitable gift.

Council President Reid asked in regards to deleting Item 9, she noted that if they are planting on Shadduck Lane anyway why should the Council delete this item. Mr. Wetzel responded that it is because there are a few trees of 9' caliper that will disappear. In further reading this condition, Mr. Wetzel agrees it could stay. He also noted that all of the trees in the proposed plat that are placed in the swale are to city code.

Councilman Goodlander asked why would they want to take out the Ginko tree. Mr. Wetzel responded it was because the tree does not do well in water such as swales.

Councilman Goodlander voiced her concerns about some of the Siberian elms as she sees those as a treasure to the area and would hate to see them taken out. Karen Haskew, City Urban Forester responded that she has been out there to look at the elms and the plans show that some of the elms may be able to be saved; however, the trees had been topped in the past and are not in real good shape partly due to age. She noted that they are not going to be there for a long term because the topping introduced rotting inside the tree.

Councilman McEvers noted that the City has spent a lot of time on this project and believes that some of the neighbors' suggestions tonight could be incorporated into the city codes. He was amazed that in the last hours that the two opposing parties have come

together and agreed on the compromises. Mr. Wetzel believes that the community has been frustrated for years including Mr. Erickson but this is project shows that the two opposing parties can come before the Council with a compromised solution.

Councilman Wolfinger commented that one of the biggest issues is access up through Lot 41 and Mr. Wetzel had made the comment that an easement for a 20 foot wide trail would be provided through lot 41. Mr. Wetzel responded that he has no problem making that a condition of this plat and the developer is willing to do it.

Councilman Hassell asked if the street is going to have a cut slope or a natural slope access. Mr. Wetzel responded that Doug Eastwood compared this slope to Tubbs Hill. In regards to Item 2, Councilman Hassell noted that reference to lot 41 may not be required in the plat but would like to repeat the annexation agreements terms and also to reiterate not to extend water service above the 2,275 elevation. Mr. Wetzel responded that if mention of Lot 41 were left to the annexation agreement and not the plat, it would be exceedingly helpful.

Councilman Goodlander mentioned that she I would like to see that groundwater will be the responsibility of the developer. Deputy City Attorney Warren Wilson responded that the hillside ordinance requires a study for the hillside lots, and further the geotech needs to mitigate groundwater drainage from the hillside in order to protect the downhill property. Also, the Stormwater ordinance states that one cannot add more runoff than what currently exists, e.g. you cannot channel it. Councilman Goodlander wants to make sure that the annexation agreement include some protection to the neighbors of groundwater. She believes that at least a 5-year window of protection should be required. Mr. Wetzel suggested stating that control of groundwater to prevent damage to other properties will be the responsibility of the developer and any contractor constructing in this subdivision. Councilman Goodlander also believes that if the developer is going to give a trail easement that it include an access agreement to the satisfaction of the Parks Department.

Councilman Goodlander commented that she has a problem with trusting for Lot 41. Mr. Wetzel responded that when a developer is going to get a tax benefit for a donation, then they have a greater interest in providing the donation.

Councilman Hassell voiced his concern that we are going on an engineer's word that the existing water pressure in the area developments are not going to be affected by this development but he does not accept that 40 pounds of pressure is acceptable.

Councilman Edinger asked, from Dalton and 15th to 15th and Best, if there anything proposed for a 4-way stop in that stretch of road. City Engineer Gordon Dobler responded that a stop light is planned for 15th and Margaret.

MOTION: Motion by Reid, seconded by Wolfinger to approve the proposed zone change from R-1 to R-3 and to keep Lot 41 at R-1 zoning.

DISCUSSION: Councilman Edinger commended the developers for working with the neighbors and his survey of those who spoke this evening ended in a tie vote.

ROLL CALL: Edinger, No; Goodlander, No; Hassell, Aye; McEvers, Aye; Reid, Aye; Wolfinger, Aye

MOTION: Motion by Reid, seconded by Wolfinger to approve the plat with the following conditions and direct staff to review the revised plat to assure it complies with these conditions and to direct staff to prepare the Findings and Order per deliberations:

1. The developer will be required to construct the full length road section for Shadduck Lane to the easterly boundary of the adjoining Prospector Ridge development. Sidewalk installation will be required along the northerly side of Shadduck Lane to the proposed lot 4 shown on the development submittal drawing.
2. A complete grading plan will be required for the streets as well as a detailed erosion control plan for construction.
3. All grading and site development shall conform to the recommendations in the soils report for the project. The project soils engineer shall submit a final report confirming that these recommendations have been adhered to.
4. Soils with adequate permeability shall be excavated from all swales and replaced with soils of adequate permeability.
5. The developer will construct a landscape buffer meeting the requirements of M.C. 16.20.240 and meeting the buffering requirements of M.C. 17.06.830(D) along the double frontage lots platted by the developer along Shadduck Lane and submit a cop of the CCRs for the homeowners association to the City Attorney's office to ensure that the homeowner's association will maintain and irrigate all swales and landscape buffers along the north side of Shadduck Lane.
6. The developer will preserve the all trees possible, including the large Siberian Elm trees located near the end of the proposed Copper Wood Court, during the development of the subject property.
7. Only fencing materials that blend into the natural surroundings may be used on the face of Canfield Mountain. The developer will be required to place this restriction in the CCRs for the development and submit the CCRs to the City Attorney's office fore review and approval.
8. That a public vehicular access to the east side of Lot 41 from Mt. Vista Drive be maintained.
9. It will be the responsibility of the developer and any contractor constructing in this subdivision to be responsible for groundwater control.

ROLL CALL: Edinger, No; Goodlander, Aye; Hassell, No; McEvers, Aye; Reid, Aye; Wolfinger, Aye. Motion carried.

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

The session began at 11:35 p.m. Members present were the Mayor, City Council, City Administrator and City Attorney.

Matters discussed were those of property acquisition and pending litigation.

No action was taken and the Council returned to regular session at 12:01 a.m.

CORNELL CLAIM: Motion by Wolfinger, seconded by Edinger to approve the Cornell Claim. Motion arried.

ADJOURNMENT: Motion by Wolfinger, seconded by Eidnger to continue this meeting to March 16th at 11:00 a.m. at Coffeerville and then to March 23rd at 11:00 a.m. at City Hall. Motion carried.

The meeting recessed at 12:09 a.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk