

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT THE LIBRARY COMMUNITY ROOM  
MARCH 15, 2011**

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 Library Community Room March 15, 2011 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Woody McEvers	)	Members of Council Present
John Bruning	)	
Deanna Goodlander	)	
A. J. Al Hassell, III	)	
Loren Ron Edinger	(Late)	
Mike Kennedy	)	

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

**INVOCATION** was led by Pastor Ron Hunter, Nazarene Church.

**PLEDGE OF ALLEGIANCE:** The pledge of allegiance was led by Councilman McEvers.

**PRESENTATION – JOBS PLUS:** Steve Griffiths, President of the Coeur d'Alene Area Economic Development Corporation (Jobs Plus), presented a review of the activities of Jobs Plus. To date they have brought 80+ companies to our area which equates to 5,000+ jobs and have paid \$45,000,000 in property/personal taxes. Of the 80 companies relocated to the area, 21 have established themselves in the City of Coeur d'Alene.

**PUBLIC COMMENT:**

URBAN LAND INSTITUTE RESEARCH: Justin Druffel, JD Lakeshore, LLC and member of the Urban Land Institute of Idaho, PO Box 8463, Boise, Idaho, distributed a copy of a summary of the research completed on the benefits of parks to communities. Councilman Goodlander requested that this report be placed on the City's web site.

McEUEEN PARK: Sandy Emerson, 2929 Lookout Drive, commented that he has been looking forward to making McEuen Park a place-making park. He noted that although concern has been voiced about doing such a project in hard economic times, he believes that this is the time to do it as it will create jobs and this is the time that materials and equipment to complete this project are at a much lower price. Rita Sims-Snyder, 818 Front Ave., spoke in opposition to some of the components of the McEuen Park Improvement Project. Sharon Hebert, 4255 Wirth Dr., voiced her surprise that the Council has not yet budgeted for the McEuen Park Project which, to her, means that the McEuen Park Project must be opened-ended cost wise. She also asked what the Council feels about the push back from the citizens. From her point of view, the people don't own this plan as the design team presented a plan that was "fraudulent" at best. She suggested that the survey is not what the citizens want but the survey presented what the design team wanted.

Ron Dayton, 2821 N. Ramsey Road, Spirit Lake, Idaho, ask that Jobs Plus do a report on those companies that have folded up or are going bankrupt. He also strongly recommended that the Council work with the citizens and stop the “my way or the highway” mode of thinking.

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

1. Approval of minutes for March 1, 3, 2011.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, March 21<sup>st</sup> at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 11:009: 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 APPROVING AN AMENDMENT TO THE LEASE WITH COEUR D'ALENE LAKE CRUISES; APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ALASKA LAW ENFORCEMENT INFORMATION SHARING SYSTEM (ALEISS) AND AUTOMATED RECORDS RETRIEVAL AND ELECTRONIC SHARING TECHNOLOGY CONSORTIUM (ARREST) FOR SHARING LAW ENFORCEMENT INFORMATION; APPROVING CHANGE ORDER NO. 1 WITH MDM CONSTRUCTION, INC. FOR THE HOWARD STREET PROJECT; AND APPROVING A REAL ESTATE PURCHASE AND SALE AGREEMENT WITH FERNAN LAKE PRESERVATION, LLC.
4. Authorizing staff to proceed with fuel reduction on Cherry Hill.
5. Acceptance of grant deeds for property in the Government Way Reconstruction Project.
6. Approval of bills as submitted and on file in the Office of the City Clerk.
7. Setting of Public Hearings: V-11-1 (vacation of R/W at 18<sup>th</sup> and Lost) for April 5, 2011; V-11-2 (vacation of water/sewer easements in Meadow Ranch Subdivision) for April 19, 2011; A-2-11 (annexation of Prairie Trail, west of Riverstone) for April 19, 2011; O-1-11 (amendments to pocket housing regs.) for April 19, 2011.
8. Approval of beer/wine/liquor license for Sully's Pub at 5785 N. Gov't Way.
9. Approval of cemetery lot repurchase from Jody Struckman.
10. Declaration of surplus property for the Parks Department copier.

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

**COUNCIL COMMENTS:**

**COUNCILMAN BRUNING:** Councilman Bruning announced that on April 9<sup>th</sup> at 7:00 p.m. the Rhythm Dawgs will be performing at the Eagles. This is a fundraiser for the Special Needs Recreation Program and the cost of a ticket is \$5.00.

**COUNCILMAN McEVERS:** Councilman McEvers introduced Josie Tennison, a student from Post Falls High School, and whose class created a video regarding texting while driving. Their video recently placed 1<sup>st</sup> in the State of Idaho for the creation of a public service announcement and the students will be going to nationals in Washington, D.C. with their video.

**ADMINISTRATOR'S REPORT:** City Administrator Wendy Gabriel announced that the entry forms/rules for the 23<sup>rd</sup> annual Coeur d'Alene Public Library Writers Competition are available at the library and by download from the library's website, cda.library.org. The deadline for entries is

March 31<sup>st</sup>. For information, contact David Townsend, at 769-2315. ReTool Box sessions is a computer literacy help program that is being held at the Coeur d'Alene Public Library. Seating is limited. To reserve a space call the Foundation office at 208-769-2380. The Library Foundation has reached a milestone in that it has met its financial obligation to the city. The City of Coeur d'Alene is currently accepting applications for: full-time Parks Administrative Assistant, deadline March 25<sup>th</sup>, and full-time, non-benefited, Parks Maintenance Worker, deadline April 1<sup>st</sup>. For applications and job information, please visit our website at [www.cdavid.org](http://www.cdavid.org) or call the Human Resources Department at 769-2205. The Ped/Bike Committee asks that you get in the habit of always locking your bike – even if you are only gone for a short time or intend to keep your bike in your line of sight. It only takes a few seconds and can save you hundreds of dollars. Congratulations to Coeur d'Alene Fire's Mandy Jacques and Tom Hiltenbrand on their completion of extensive coursework and examination that certifies them as new paramedics. The Coeur d'Alene Fire Department is promoting their fire prevention program aimed at assisting people in need with changing their batteries and adding or replacing smoke detectors. The department has always promoted the national "Change Your Clock, Change your Battery" campaign, but recognized a need to provide a formal avenue for disabled and elderly people to gain assistance with the actual physical aspects of changing their smoke detector batteries. Citizens needing assistance can call the fire department at 769-2340 and set up an appointment. The City of Coeur d'Alene has announced the availability of free street trees for new neighborhoods. The trees are available to homeowners or residents in new neighborhoods who are willing to provide care for street trees. Interested people should contact the Urban Forestry division of the Coeur d'Alene Parks Department. Special thanks to the city's Legislative Committee for their hard work and effective communications with legislators during the 2010 legislative session. The Legislative Committee also planned and hosted last Saturday's Legislative Town Hall Meeting. There are two vacancies on the city's Natural Open Space Committee. If you are interested in serving, please contact Amy Ferguson, 666-5754, for an application. With the harshest winter weather behind us, garbage collection in alleys will resume on March 21<sup>st</sup> and the City of Coeur d'Alene and Waste Management would like to thank our citizens for their patience and flexibility during this past winter. The City's Strategic Planning meeting will be held on April 21<sup>st</sup> in the Library Community Room. The City and homeowners have settled the homeowners beach lawsuit and the City has acquired beach property adjacent to the 12<sup>th</sup> Street access.

**ART ON LOAN PROGRAM:** Recreation Director, Steve Anthony presented the proposed use of public right of way to display and sell artwork. He noted that the Arts Commission would provide each artist with \$500.00 to prepare and ship their item to Coeur d'Alene. The art will be on display for one year. The artist will put a price on the art piece; if the item sells the city shall receive 25% as a commission for showing the piece. The city will add temporary pieces of art to its collection for a relatively small price. The city has an opportunity to recover all costs if the piece sells. Joe Sharnetsky, member of the City Arts Commission, showed a power point presentation on the proposed displaying of artwork in the downtown area.

Motion by Kennedy, seconded by Goodlander to approve the Arts Commission recommendation to pursue an Art on Loan Program called "Art Currents" and be issued encroachment permits on Sherman and Lakeside Avenues. Motion carried.

ORDINANCE NO. 3403  
COUNCIL BILL NO. 10-1023

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING SECTIONS 17.44.500, 17.44.510, 17.44.540 AND AMENDING SECTIONS 17.02.055, 17.44.010, 17.44.030, 17.44.050, 17.44.060, 17.44.070, 17.44.080, 17.44.090, 17.44.095, 17.44.100, 17.44.195, 17.44.200, 17.44.210, 17.44.225, 17.44.230, 17.44.490, 17.44.520, AND 17.44.530 TO PROVIDE A DEFINITION OF FLOOR AREA, PROVIDE A PURPOSE STATEMENT, REDUCE PARKING REQUIREMENTS FOR RESIDENTIAL, CIVIC, COMMERCIAL, SERVICE, WHOLESALE AND INDUSTRY USES, PROVIDE EXCEPTIONS TO CERTAIN PARKING REQUIREMENTS FOR PUBLIC SCHOOLS, CLARIFY PARKING REQUIREMENTS FOR COMMERCIAL BUSINESS PARKS, PROVIDE FOR A REDUCTION IN REQUIRED PARKING SPACES FOR CERTAIN ACCOMMODATIONS FOR BICYCLES, REDUCE THE SIZE AND AMOUNT OF REQUIRED OFF STREET LOADING BERTHS, REPEAL THE RESTRICTION OF LEASING OFF-STREET PARKING SPACES AND CLARIFY THE APPROVAL PROCESS FOR SHARED USE PARKING; 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 Hassell, seconded by Goodlander to pass the first reading of Council Bill No. 10-1023.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 10-1023 by its having had one reading by title only.

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

**RECESS:** Mayor Bloem called for a 5-minute recess at 7:30 p.m. The meeting reconvened at 7:40 p.m.

**PUBLIC HEARING – A-1-11 – ANNEXATION AND ZONING OF PROPERTY LOCATED ON THE SOUTHEAST CORNER OF BEST AVE. AND 15<sup>TH</sup> STREET:**

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

Mr. Holm gave the applicant's name as Cindy Espe, the location as a 46,667-sq. ft. parcel located in the southeast corner of 15<sup>th</sup> Street and Best Avenue, and the request as annexation with a zoning of C-17.

He went on to give the staff analyses for zoning, Comprehensive plan, utilities, and traffic. Mr. Holm reported that on February 8, 2011 the Planning Commission considered the requested C-17 zoning and denied the request without prejudice.

On February 25, 2011 the City mailed 57 notices for tonight's public hearing with 4 responses being received - 0 in favor, 2 opposed, 2 neutral. Written comments were distributed for council review.

**PUBLIC COMMENTS:** Cindy Espe, 4017 Deerfield Dr. Cd' A, spoke on behalf of the owner-applicant, noted that they have been working on this process since 2001 and when they met with John Stamos, it was recommended by staff that the zoning be designated as C-17; however, she noted that the owner is comfortable with a Community Commercial (CC) zoning but it would be acceptable for a Neighborhood Commercial (NC) zoning as well.

**MAIN MOTION:** Motion by Goodlander, seconded by Bruning to approve the annexation and to approve a zoning designation of Community Commercial (CC) for the property located at the southeast corner of 15<sup>th</sup> and Best, to direct staff to develop the Findings and Order for a CC zoning, and to direct staff to negotiate an annexation agreement.

**MOTION TO AMEND:** Motion by Hassell seconded by Kennedy to amend the motion to change the zoning from a CC to an NC. **ROLL CALL:** Bruning, Aye; Edinger, Aye; Goodlander, No; Hassell, Aye; Kennedy, Aye; McEvers, No. Motion carried

**ROLL CALL ON MAIN MOTION AS AMENDED:** Bruning, Aye; Edinger, Aye; Goodlander, Aye; Hassell, Aye; Kennedy, Aye; McEvers, Aye. Motion carried.

**PUBLIC HEARING – ZC-1-11 – ZONE CHANGE AT 102 AND 106 HOMESTEAD:**

Mayor Bloem read the rules of order for this quasi-judicial public hearing. Councilman Bruning declared a conflict of interest. Tami Stroud, City Planner, gave the staff report. Councilman Edinger noted that he has had a conversation with Peggy Harrison on the phone and in person prior to tonight's public hearing. Councilman Kennedy also noted that he received an e-mail but no conversation with Mr. Fitzmaurice.

Mrs. Stroud gave the applicant's name as the City of Coeur d'Alene, the location as 102 and 106 Homestead, and the reason for the request as a zone change from R-12 to R-17.

She gave the staff analyses for zoning, land use, Comprehensive Plan, utilities, and traffic. Mrs. Stroud noted that staff recommended the following conditions:

1. A 38-foot height limit.
2. Inclusion in the design, and construction of stormwater drainage swales on site, to manage all site runoff from the development of the subject property.
3. Protection of all off-site stormwater drainage structures during facility development on the subject property.
4. Installation of sidewalk along the subject property frontage with any building permit for the subject property.
5. Completion and recordation of lot consolidation for the subject property with the submission of any building permit for the site.
6. A 20-foot sewer easement for the 102 Homestead property, as approved by the Assistant Wastewater Superintendent.

Mrs. Stroud reported that on February 8, 2011 the Planning Commission recommended approval of the request with conditions. She noted that on February 25, 2011 96 notices of tonight's public

hearing were mailed with 9 responses being received - 1 in favor, 4 opposed, and 4 neutral. Written comments were distributed for Council consideration.

Councilman Edinger asked why the Planning Commission set the height at 38'. Mrs. Stroud responded that with the R-34 zoning the height could be 63' and so the Planning Commission set the height at 38'. Councilman Edinger noted that they could set the height at 36'. Councilman Edinger noted that Bruce Fitzmaurice at 110 E Homestead fears that the height will block the sun from his property. Councilman Edinger noted that Peggy Harris also at 110 E. Homestead believes that 36' is too tall and fears if the City sells the property with an R-34 zoning a structure could be constructed at 63'.

Mrs. Stroud noted that the Planning Commission also approved a Special Use Permit for the R-34 zoning for this property which would require construction within a year of approval. Councilman Edinger asked if the Council can set the limit on height. Deputy City Attorney Wilson responded since the City owns the property, if the City does sell the property the Council can place a deed restriction on the building height. Councilman Edinger noted that the basic concern of the neighborhood is the height of the building. Deputy City Attorney Wilson responded that the City's plan is to construct a 3-story building.

**PUBLIC COMMENTS:** Renata McLeod, 710 E. Mullan Ave., spoke as applicant for the City of Coeur d'Alene who purchased the subject properties. She noted that the City plan is to construct a common-use housing property for affordable housing. She noted that currently the city has a need of 1,070 units for low-moderate income housing. She explained that for HUD 811 grant funding on this project the City would need to construct a total of 14 units; however, the R-17 zoning would only allow 13 units and the R-34 zoning would allow the additional unit bringing our total to 14 units and thus qualifying for the HUD 811 grant funding. Councilman Edinger in response to Peggy Harris' concerns on the height asked if 36' would be acceptable and Mrs. McLeod responded that the Planning Commission allowed 38' for design flexibility. Councilman Goodlander asked how high the apartments owned by Mr. Foster on Hattie Avenue. She responded that it is three levels; however, the bottom floor appears to be a day-light basement.

Peggy Harris 110 E. Homestead, spoke in opposition to the height of the building and opposes the R-17 with a Special Use Permit for an R-34 zoning. Councilman Edinger asked that if the project did not go through would the zoning revert back to an R-12. Deputy City Attorney responded that if a future Council so chooses they can revert the zoning back to an R-12 and he also noted that if approved the Special Use Permit must be initiated within a year and if not the zoning would revert back to an R-17.

Joe Hutchinson, manager of the HUD housing at 550 and 570 W. Neider spoke to the need for affordable housing.

Rob Wert, manages the apartment complex south of the subject property on Hattie Avenue, and spoke in opposition to the requested zone change. He believes that this is "spot zoning" and this would take away the single-family aspect of the neighborhood.

Sheryldene Rogers, 818 W. Riverside, consultant for St. Vincent DePaul HUD 811 Program, noted that this is the only funding available for this type of low-income housing. She explained that due to the economy of scale, a 14-unit complex is needed to financially pay for this project.

She also requested that the Council not eliminate the 38' height limit. She noted that if the zone change is approved and HUD funding is approved, they will give the neighbors an opportunity to review the design of the building.

Robert Runkle, 1004 E. Autumn Crest Loop, Post Falls, spoke in support of the requested zone change and noted that those eligible for this type of housing project are very appreciative of these developments.

Jeff Conroy, 4965 N. Ezy, Director of St. Vincent DePaul, reiterated that they do take the neighbors comments seriously as they do want to be good neighbors.

John Foster, 104 Hattie, spoke in opposition to the number of units being requested for this site.

Peggy Harris, 110 E. Homestead, noted that she is not against the HUD project, but rather it is a density and height issue.

Renata McLeod, commented that an R-12 zoning has a height limit of 32'. She reiterated that there are 1,070 residents that fall within the low-to-moderate income need for affordable housing. Councilman Kennedy asked what the likelihood of this HUD funding going through. Mrs. McLeod noted that Mrs. Dean has a 100% success rate in obtaining HUD funding. Councilman Kennedy asked if Mrs. McLeod would promise to work with the neighborhood to keep the height at an absolute minimum. Mrs. McLeod responded that absolutely between the City and St. Vincent DePaul that notices will be sent out and they will work with the neighborhood.

Councilman McEvers voiced his dismay that the City believes that they have to take care of everybody, so if the City has to, then they can put the dwelling units under ground, as the neighborhood needs to be protected and believes that this project needs to be absolutely minimal.

Councilman Edinger commented that he still has a problem with the height and believes it should be at 36' and not 38'. He also would like it, if this project does not go through, that the City revert the property back to an R-12 zoning. Councilman Kennedy noted that the extra 2 feet was for the flexibility in design to help accommodate the neighbors concerns.

**MOTION:** Motion by Hassell, seconded by Goodlander to approve the requested zone change with the recommended conditions and to adopt the Findings and Order of the Planning Commission.

**ROLL CALL:** Bruning, Abstain; Edinger, No; Goodlander Aye; Hassell, Aye; Kennedy Aye; McEvers, No. Motion carried.

**EXECUTIVE SESSION:** Motion by Goodlander, seconded by Hassell to enter into Executive Session as provided by I.C. 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.

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

The session began at 9:45 p.m. Members present were the Mayor, City Council, City Administrator, Deputy City Administrator and City Attorney.

Matters discussed were those of property acquisition. No action was taken and the Council returned to regular session at 10:15 p.m.

RESOLUTION 11-010

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING WITHERSPOON KELLEY TO COMMENCE WITH CONDEMNATION PROCEEDINGS, IF NECESSARY, ON A PARCEL LOCATED ON GOVERNMENT WAY IN THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO.

Motion by Goodlander, seconded by Bruning to adopt Resolution 11-010.

ROLL CALL: Goodlander, Aye; McEvers, No; Edinger, Aye; Bruning, Aye; Hassell, Aye; Kennedy, Aye. Motion carried.

RESOLUTION NO. 11-011

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING WITHERSPOON KELLEY TO COMMENCE WITH CONDEMNATION PROCEEDINGS, IF NECESSARY, ON A PARCEL LOCATED ON GOVERNMENT WAY IN THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO.

Motion by Goodlander, seconded by Bruning to adopt Resolution 11-011.

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

**ADJOURNMENT:** Motion by McEvers, seconded by Bruning to recess to March 16, 2011 at 11:30 a.m. in the City Hall former Council Chambers for a joint meeting with Kootenai County Commissioners. Motion carried.

The meeting recessed at 10:17 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan Weathers, CMC  
City Clerk