

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM,
MARCH 18, 2008

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene Library, March 18, 2008 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)	
Mike Kennedy)	
John Bruning)	
Deanna Goodlander)	

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

INVOCATION was led by Pastor Paul Peabody of the Grace Bible Church

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

PUBLIC COMMENTS:

Library Staff Increase: Jim Elder, 111 Hazelwood, President of the Coeur d'Alene Library Foundation reported that the activity at the new library has increased dramatically. The initial projection was for a 30-40% increase in usage. Over the seven months that the Library has been open, there has been an increase of 80%-100%, with 800-1000 people per day. The library will be requesting an increase in staff to accommodate the additional volume and the Foundation hopes the City Council will support their request.

Police and Fire Safety Facility: Terry Cooper, Director of the Downtown Association, 105 North First Street, spoke in support of the proposal for the Police and Fire facility at City Park. During the summer months, there is a great deal of activity and the Association believes the presence of the facility would help increase safety downtown.

Water Rate Hearing: John Williams, 622 Harcourt, commented on his concern for lack of gallon usage on the water bills. Everyone needs to conserve water usage but if you can't tell how many gallons you are using that affects cost, it is difficult to determine how much you need to conserve to reach the next level that may reduce your cost. He cited an instance where a mobile home court went from one single meter to each site being metered and the result was no one watered due to the expense not realizing that with

some conservation the individual may have been able to reduce their bill. Councilman Kennedy reported that the water rate hearing has been moved to the first meeting in April. Finance Director, Troy Tymesen reported that the new bills will show the amount of gallons used, will be read monthly, and the proposed rate will only be a minor increase up to 32,000 gallons.

Sidewalk Repair : Tom Anderson, 814 Coeur d'Alene Avenue, spoke regarding the sidewalk repair ordinance on behalf of his mother who lives on Lakeside. His concern is that individual homeowners are doing the contracting and many citizens are hiring contractors that may not do the work properly and the end result is citizens having to do battle with contractors in court. He commended Diana Booth from the Street Department on the job she is doing coordinating the project. It is helpful to have neighbors unite together and hire one contractor to reduce costs but in his instance, four of the ten homes are rentals with out of state landlords and the one homeowner located locally ends up being the agent fighting with the contractor for all the other properties. he feels the process need to be reviewed and his suggestions are possibly have City do the contracting, so the process is more efficient, the sidewalks are repaired properly, and the overall cost to each individual is lower, even including administrative costs. Mr. Anderson also recommended that when planning something that affects everyone have someone on the Committee that represents "the little guy". Edinger asked if homeowners banded together, could they obtain one \$50.00 encroachment permit for their project rather than each property owner having to pay the \$50.00 encroachment fee. He also reminded everyone that often tree roots are a problem as well which involves additional expense in tree management. City Administrator Wendy Hague thanked Mr. Anderson for his suggestions, and replied that this is a new process and City staff is already reviewing the implementation. Goodlander asked if the City could have a list of acceptable contractors who have registered. She is concerned about trusting citizens, especially the elderly, who contractors may be taking advantage of. Hague replied that a link can immediately be added to the City's web site to the state of Idaho list of contractors who hold Public Works licenses. Kennedy also commented that the initial plan was passed with trepidation, and that this is the first year of trying to bring the City into compliance with ADA requirements. Anderson also recommended that when planning something that affects everyone, that the City should consider having someone on the Committee that represents "the little guy". Mayor Bloem reminded the Council that at the present there is an ordinance in effect, and if the Council wants to make changes, they must direct staff to change the ordinance.

Kathy Kincel, 621 East Foster, also spoke regarding the sidewalk repair. Many people struggle to purchase homes and some people reside on corners causing an even greater expense. Everyone in the City has access to those sidewalks so all should share in cost. Some sidewalks date back to 1911. The City has access to urban renewal dollars and maybe they could assist with cost. It's difficult to come up with \$5000.00. She would just as soon tear up the sidewalk and create a green belt with trees.

Harold Hocker, 1413 East Spokane Street, commented that he lived in the Sacramento area as was ripped off by contractors two different times. The roots of trees are very

expensive to remove especially if they have grown under sidewalks.

MOTION: Kennedy, second by Edinger, to direct staff to look again at the ordinance to reopen more nuances for ways moving forward.

Discussion; Hassell stated that the City still has to do the sidewalk repair but asked if City could coordinate without changing the ordinance? Goodlander commented that even though the Federal Government is requiring the City to do this perhaps a better way of implementation can be developed. Kennedy retorted that he is not asking staff to throw out the ordinance but there must be a workable plan and the staff needs the Council's approval to proceed.

Edinger Called for the Question. The vote on the Call for the Question failed.

Under further discussion, McEvers informed everyone that federal monies will be taken away from the City if the City does not comply. There needs to be help with coordination, financing, pooling of resources, and spreading out of cost.

Motion carried with Hassell voting no. Motion carried.

Tubbs Hill Burn: Glen Lauper, Coeur d'Alene Fire Department, Deputy Chief spoke on the need for a prescription burn on Tubbs Hill. The weather conditions have not been conducive with the ground too wet with some snow remaining, leaving the fuels too moist to burn. There's is a short time window as the burn must be completed before the growth above the surface gets too high. Mike Denny, Department of Lands, and Karen Haskew, City Urban Forester, spoke stating that they hope that the burn can occur next week. If favorable conditions occur, they will burn on the south side of the hill. Edinger who serves on the Tubbs Hill Foundation asked how big the area would be and what it would accomplish. The answer was four sections, about sixty acres. A handout was distributed, showing the year 2000 burn and the results two weeks and four weeks after the burn. The initial concern was for the wildflowers, and the wildflowers thrived. Haskew explained that the intent is to only burn the grasses and shrubs above ground, and if the ground still contains moisture but tops are dry, carbons are released that are conducive to a good wildflower crop. The goal is to propagate more native Pondersosa Pine and control the Douglas Fir.

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

1. Approval of minutes for March 4, 2008.
2. Setting General Services Committee and Public Works Committee for Monday, March 24th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 08-013: 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 A LEASE AMENDMENT WITH COMMERCIAL PROPERTY MANAGEMENT/JIM KOON FOR 816 SHERMAN AVENUE AND

APPROVAL OF AGREEMENT WAIVING OPPOSITION TO ANNEXATION
WITH JON POLIMENI FOR 3195 SPRINGVIEW DRIVE

4. Approval of bills as submitted and on file in the Office of the City Clerk.
5. Setting of public hearings: A-1-08/ZC-1-08/PUD-1-08/S-1-08 - appeal - 418 Lilac Lane and 2310 Pennsylvania Ave. for May 6, 2008 and O-3-08 - Off-street parking for courthouses for April 15, 2008.

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

COUNCIL COMMENTS:

COUNCILMAN EDINGER: Only one comment: Go Zags, Go Cougars

COUNCILMAN BRUNING: The bids were opened for the new park at Sunshine Meadows. Volunteers have donated much of the construction at North Pines Park. On January 1st, Jackie in the Parks Department had six people lined up to schedule weddings for Riverstone Park. They have eleven weddings scheduled this summer in that park.

ADMINISTRATOR'S REPORT: City Administrator, Wendy Gabriel reported that staff is already working on trying to find a method for shared costs, an LID, or some other method regarding the sidewalk repairs. Many citizens have brought forth ideas and she is pleased that staff has already begun work on this subject.

EQUIPMENT ACQUISITION - 3RD STREET PARKING LOT: McEvers reported that the cost for the new parking equipment will be paid for from parking fees and no tax monies used. The system is 18 years old. Motion by Edinger, seconded by Goodlander, to approve the expenditure of \$27,100,58 to purchase new parking entrance control equipment for the 3rd Street Parking lot from the Parking Fund, a non-property tax support fund. Motion carried.

RCA-6-08 - REQUEST FOR ANNEXATION AT PRAIRIE AVENUE: John Stamos, Senior Planner gave the staff report. The applicant originally has a problem with a wastewater issue that conflicted with the Sewer Master Plan. The applicant has met with wastewater and worked out a solution. The recommendation is to approve the request. Water to this area is supplied by the Hayden Irrigation District. It is an established stable area meeting the Comprehensive Plan for this area. The property is adjacent to Sunshine Meadows, with Ramsey Road to the east, and Coeur d'Alene Place to the south. Motion by Hassell, seconded by Kennedy, to allow the applicant to proceed with the formal application for annexation. Motion carried.

RESOLUTION NO. 08-014

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING POLICIES FOR PROCESSING REQUESTS TO CONSIDER ANNEXATION.

Hassell explained that requests for annexations sometimes may not be granted due to up front disclosed conditions and the Council can review these in the beginning to save the citizen going through the entire process and then being denied, or give the applicant a chance to remedy the condition prior to going through the entire process. City Council has the authority to approve, deny, or conditionally approve. The action can be tabled until the applicant has a chance to remedy a concern. The process takes place at one time in front of the City Council rather than at a Public Works meeting and then again at a City Council meeting.

Motion by Hassell, seconded by Edinger, to adopt Resolution 08-014.

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

PUBLIC SAFETY STRUCTURE IN CITY PARK: Staff report was given by Captain Steve Childers of the Coeur d'Alene Police Department who explained the need for a safety building to be located adjacent to the Museum near City Park with view of the basketball courts and City Park. The building would be utilized by the Police and Fire personnel and other assisting agencies during the summer months and during special events. The building would have a public access window for information and also used as a base for the bicycle police and Police Officers using the "mule" during the summer. It has also been suggested that a call box be placed on the exterior when the building is not manned. The project is being presented to the Lake City Development Corporation for funding with a proposal of the City repaying one half the cost approximately \$25,000 in the spring of 2009 from that fiscal year budget. Edinger asked if the project would proceed if the LCDC would not fund this project and Childers replied No- there is no money in this fiscal year's budget for this project. Motion by Kennedy, seconded by Hassell, to authorize staff to proceed with the necessary steps to acquire a fabricated cement building to be located in City Park and to be used as a public safety building. Motion carried.

PUBLIC HEARING - O-1-08 - EXPANDING THE ROLE OF THE DESIGN REVIEW COMMISSION: Mayor Bloem read the rules of order for this legislative public hearing. Dave Yadon, City Planner, gave the staff report.

Mr. Yadon reviewed the recommended changes to the current regulations for the Design Review Commission, including amending the membership requirements, their authority, the design guidelines, notifications, and the design review procedures. Within downtown area, it has been effective in creating better design and effective review. The changes would also ensure more timely meetings, with public notice, on a regular public meeting schedule posted on web site, allowing public comment, with a four step process.

PUBLIC COMMENTS:

Joe Morris, 304 South Eleventh Street representing the East Mullan historic district. The homeowners in the area requested input to retain the character and strengthen the guidelines for development in a thoughtful manner. They support the proposal as they

have requested more public notice and a means to stay informed on the process. He commented that not only is this good for the proposed areas but the entire City as well.

Harold Hocker, 1413 East Spokane Street spoke concerned about people who don't have computers. It was explained to him that the first notification will be to all nearby property owners by mail and then future meetings will be posted on the City's website.

COUNCIL BILL NO. 08-1003
ORDINANCE NO. 3328

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING MUNICIPAL CODE SECTIONS 2.98.010, 2.98.020, 2.98.030, 2.98.040 TO MODIFY THE MAKE UP OF THE DESIGN REVIEW COMMISSION, MAKE HOUSEKEEPING CHANGES AND PROVIDE FOR STANDING ALTERNATES; ADOPTING A NEW SECTION 2.98.050 TO ESTABLISH A QUORUM REQUIREMENT AND TO ESTABLISH RULES GOVERNING SCHEDULING AND CONDUCT OF DESIGN REVIEW COMMISSION MEETINGS; AMENDING SECTIONS 17.07.935, 17.07.940 AND 17.07.945 TO ESTABLISH RULES GOVERNING THE REVIEW OF A PROJECTS COMPLIANCE WITH DESIGN STANDARDS AND GUIDELINES BY THE PLANNING DIRECTOR AND DESIGN REVIEW COMMISSION; AMENDING SECTIONS 17.09.305, 17.09.310, 17.09.315, 17.09.320, 17.09.325, 17.09.330, AND 17.09.335 TO ESTABLISH PROCEDURES FOR DESIGN COMMISSION REVIEW OF PROJECTS FALLING WITHIN THE COMMISSION'S AUTHORITY INCLUDING PROVISIONS FOR PUBLIC NOTICE AND COMMENT, APPLICATION AND SUBMITTAL REQUIREMENTS, BURDEN OF PROOF, ISSUANCE OF A DECISION BY THE COMMISSION AND APPEALS TO THE CITY COUNCIL; ADOPTING A NEW SECTION 17.09.340 TO REQUIRE ADHERENCE TO APPROVED PLANS; REPEALING SECTIONS 17.09.905, 17.09.910, 17.09.920, 17.09.930, 17.09.940 AND 17.09.950; AND 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. 08-1003.

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

Motion by Edinger, seconded by McEvers, to suspend the rules and to adopt Council Bill No. 08-1003 by its having had one reading by title only.

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

PUBLIC HEARING - O-2-08 - AMENDMENTS TO EXISTING DESIGN REGULATIONS: Mayor Bloem reiterated the rules of order for a legislative public hearing. Dave Yadon, Planning Director, gave the staff report.

Mr. Yadon reviewed the proposed changes to the Downtown Design regulations which include amending the design standards adopted in 2002-2003. George Ives, Chairman of the Design Review Commission explained that the regulations have been before the Planning and Zoning Commission as well as the design review and hopes it will be a tool for planning for the future. City Planner, Dave Yadon called attention to the design standards concerning sidewalk uses and sign guidelines as these were included in the proposed recommendations. Yadon mentioned that signs would be coordinated with the City Sign Board.

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

Motion by Hassell, seconded by Kennedy, to approve the proposed amendments to the Downtown Design regulations and to direct staff to prepare an ordinance amending the current regulations. Motion carried.

PUBLIC HEARING - WATER RATE AMENDMENTS: Councilman Kenney announced that this hearing has been moved to April 1, 2008.

EXECUTIVE SESSION: Motion by Hassell, seconded by McEvers, to enter into Executive Session as provided by I.C. 67-2346 §C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property, which is not owned by a public agency; §F: To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at executive session does not satisfy this requirement.

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

The Council entered into Executive Session at 7:46 p.m. Members present were the Mayor, City Council, City Administrator, Deputy City Administrator and City Attorney. Matters discussed were those of property acquisition, pending litigation and claims. No action was taken and the Council returned to regular session at 9:15 p.m.

Motion by Goodlander, seconded by McEvers, to direct staff to settle claim with the Patterson claim. Motion carried.

Motion by Goodlander, seconded by McEvers, to take no action on the Strongheart claim. Motion carried.

WILLIAMS CLAIM: Motion by Goodlander, seconded by McEvers, to take no action on the Williams claim. Motion carried.

MITCHELL CLAIM: Motion by Goodlander, seconded by McEvers to take no action on the Mitchell claim. Motion carried.

ADJOURNMENT: Motion by Hassell, seconded by Goodlander, to recess this meeting to March 26th at 11:30 a.m. in the Library Community Room for a City Council/Lake City Development Corporation workshop. Motion carried.

The meeting recessed at 9:16 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk