

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
APRIL 20, 2010**

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 April 20, 2010 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Mike Kennedy)	Members of Council Present
Woody McEvers)	
Loren Ron Edinger)	
A. J. Al Hassell, III)	
John Bruning)	
Deanna Goodlander (6:20p.m.))	

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

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

PROCLAMATION – ARBOR DAY CELEBRATION WEEK: Councilman Bruning, on behalf of Mayor Bloem, read the proclamation for Arbor Day Celebration Week for the week of April 26th through May 1, 2010. Devin Walker, a student representative for the Urban Forestry Committee, accepted the proclamation and reviewed the activities planned for the week.

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

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

1. Approval of minutes for April 6, 2010, 2010.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, April 26th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 10-013: 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 AN AGREEMENT FOR CDBG GRANT FUNDING FOR HABITAT FOR HUMANITY OF NORTH IDAHO; ADOPTING A LIMITED ENGLISH PROFICIENCY PLAN FOR THE CITY OF COEUR D'ALENE; APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH KOOTENAI COUNTY FOR USE OF THE MOBILE COMMAND CENTER; APPROVAL OF CHANGE ORDER NO. 2 WITH SHANNON INDUSTRIAL CONTRACTORS INC. FOR THE WASTEWATER TREATMENT PLANT LOW PHOSPHOROUS PILOT FACILITY AND APPROVAL OF CHANGE ORDER NO. 1 WITH CMEC INC. FOR THE WASTEWATER TREATMENT

PLANT DIGESTER #4 AND CLARIFIER #1 REFURBISHING PROJECT.

4. Approval of bills as submitted and on file in the Office of the City Clerk.
5. Setting of Public Hearing for Annual Appropriations for FY 2010-2011 for September 7, 2010.
6. Approval of beer/wine license for The Garnet Café (formerly Papino's) at 315 Walnut Ave.
7. Setting of a public hearing for the ZC-1-10 (zone change at 909 W. Garden and 927 W. River) for June 15, 2010.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN MC EVERS: Councilman McEvers announced that Kyle Cossairt, former NIC Student, is visiting CDA TV after graduating from college.

COUNCILMAN EDINGER: Councilman Edinger reported that on April 10th the Police Department and the Enough is Enough Committee conducted another prescription drug turn in at Coeur d'Alene High School which was very successful. He thanked everyone who participated in this event.

COUNCILMAN BRUNING Councilman Bruning announced the fundraiser "Homeruns for Homeless" baseball game which will be held at 6:00 p.m. on May 5th at McEuen Field. The proceeds from this fundraising effort will benefit Fresh Start, Children's Village, Project Safe Place, and Dirne Clinic. He announced that former Parks and Recreation Commission member, Mike Bundy, will be inducted in the NIC Hall of Fame. There will be a public meeting on Wednesday, April 28, 2010 at 5:30 p.m. for the purpose of discussing eliminating parking on 15th Street for a bike lane. He noted a recent article in the Cd'A Press regarding the Specialized Needs Program and anyone who would like more information regarding this program may contact Angie Goucher through the Recreation Dept.

MAYOR BLOEM: Mayor Bloem announced that the Council's annual Strategic Planning Session will be this Thursday at 6:00 p.m. in Library Community Room.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel reported that Coeur d'Alene childcare providers are invited to attend a free, two-hour workshop called "Learn to Burn." The city's Childcare Commission, in conjunction with the Coeur d'Alene Fire Department, will host the two-hour workshop at City Hall from 6:30 a.m. to 8:30 a.m., Monday, April 26th. Pre-registration is required. A maximum of 75 people will be able to register for this free course. To register, please call Kathy at 769-2229 before April 20th. It's important to have an approved backflow protection assembly/device located on your irrigation system. It is equally important to make certain that this backflow assembly is tested annually – in fact, it's required by Idaho State Law and City Ordinance 1776. If you have any questions or wish to obtain a state-licensed backflow tester list, contact Greg Schrempp (676-7408) or Gary Nolan (769-2220, Ext. 818), City of Coeur d'Alene Water Department. Mark your calendar for the Coeur d'Alene Arbor Day Celebration on May 1st. The celebration will start at 9:00 a.m. at The Landings Park. There

will be a number of displays and exhibits along with a free pancake breakfast. Sun Valley Tree Service has again volunteered to sponsor the Arbor Day pancake breakfast. As announced at the last council meeting, Chief Longo is pleased to now offer the services of CrimeReports.com. Community members can access their neighborhood crime information for free, empowering them to make informed decisions to help improve the safety of their families, friends, property, and the community at large. Friday, April 16th, was the day to fill out and mail back your census form. If you did not mail back your census form by April 16th, a census taker will visit your home in person to ensure that we accurately count each person in the country...Remember: Census takers are your neighbors – people from your community, hired by the Census Bureau, to go door-to-door and collect census information from residents who have not sent back their 2010 Census forms. Idaho bus riders have a new online resource for real-time transit information. The new 511 Transit system will provide online schedule and route information for Citylink service in Kootenai and Benewah counties, as well as other transit systems in counties across the state.

KYRO ICE ARENA – REQUEST TO DE-ANNEX PROPERTY FROM CITY: Councilman Edinger inquired if the KYRO owners' request funding from LCDC and their property is de-annexed, can LCDC still fund this project. Deputy Attorney Warren Wilson responded that they can request funding because although they would be outside the city limits they are still inside the LCDC boundary. Councilman Edinger asked if there has ever been any funding made to anyone outside the city. Council/LCDC members Hassell and Goodlander could not recall such funding.

Mr. Wilson then explained how a portion of this property ended up in the City while the majority of the property remained outside the city limits. The applicant decided to request de-annexation due to the time constraints in the city's annexation process. Councilman Edinger expressed his concern about giving LCDC money to property outside the city limits. Councilman Hassell commented that he opposed the motion made at the Public Works Committee meeting as he feels in the long term it would be more beneficial to the property owner to be inside the City which would provide water, sewer, police and fire service. Councilman Goodlander feels that it should be de-annexed based on the limited time the owners have to develop the ice-skating rink for this winter. In response to Mayor Bloem's question, Deputy Attorney Wilson noted that they have had city water service for several years and that they are planning on installing a septic system. Councilman Kennedy asked if the property would have to be within the City limits to receive LCDC funding. Deputy Attorney Wilson responded that he did not believe so.

MOTION: Motion by Goodlander, seconded by McEvers to authorize staff to proceed with the de-annexation process to remove the approximately ½-acre parcel where KYRO Ice Arena will be sited from City Boundaries.

DISCUSSION: Councilman Kennedy asked if the owners' property was de-annexed and then they asked to be re-annexed, isn't that effectively avoiding city building standards. Councilman Hassell commented that was one of his concerns. Councilman Goodlander commented that the County has the same building codes as the City. Councilman McEvers noted that the rink is for the kids. Councilman Edinger voiced his concern about skirting the City's requirements and he also has a concern of providing LCDC funds outside the city limits. Councilman Kennedy asked if there are options if the City does not de-annex the property. Deputy Attorney Wilson responded that they could move the building and ice rink facility off the city portion of their property. Some

of the differences between city and county requirements are parking, redrawing their plans to meet with certain city requirements, and sewer hookup.

PUBLIC COMMENTS: Scott Portman, attorney for KYRO and Vince Hughes, commented that the original annexation was a mistake in that a prospective previous buyer had added that portion of the property into the city and then decided not to purchase the property. Additionally, he believes that the building cannot be moved off the subject property due to the design of the building. It would also delay the project for up to a year if they were required to annex the property. Councilman Edinger asked if they were still going to request funds from LCDC. Vince Hughes, President of KYRO, responded they had asked if they would be eligible for LCDC funding and they were told yes even if they were located in the county. Councilman Kennedy asked if it is their intention to bring it into the City. Mr. Hughes responded that Panhandle Health would not issue a septic permit for a second rink and at the time they decide to construct a second rink they would request annexation.

Motion unanimously carried.

PUBLIC HEARING – ZC-3-10 – ZONE CHANGE AT 3400 AND 3514 N. FRUITLAND LANE: Mayor Bloem read the rules of order for this quasi-judicial public hearing. No conflict of interest was declared by any Council member. John Stamsos, Senior Planner gave the staff report.

Mr. Stamsos gave the applicant's name as Steve Widmyer, the location as an approximate 2.17 acre parcel at 3400 and 3514 Fruitland Lane and the reason for the request as a zone change from R-12 to R-17. He gave the staff analyses for land use, zoning, Comprehensive Plan, utilities, streets, and traffic.

On March 9, 2010 the Planning Commission recommended approval of the zone change with the following condition:

1. Dedication of a five foot (5') right-of-way along the westerly boundary of Tract 69 and the north ½ of Tract 68, Fruit Lands Addition Acre Tracts.

Mr. Stamsos reported that on April 1, 2010 19 notices of this public hearing were mailed with 1 neutral response being received. Written comments were distributed for Council review.

Councilman McEvers asked if the street width is adequate. Mr. Stamsos responded that is the reason for the 5' right-of-way condition. Councilman Hassell voiced his concern of the residential zoning across the street on Fruitland. Mr. Stamsos responded the R-17 zoning being requested is an appropriate transition zoning for this property. Councilman Bruning noted that St. Vincent DePaul owns the parcel of property at the southwest corner of the intersection of Fruitland and Neider; however, he does not see a conflict of interest with this request.

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

MOTION: Motion by Edinger, seconded by Kennedy to approve the zone change from R-14 to R-17, to adopt the Findings and Order of the Planning Commission including their recommended condition. ROLL CALL: Bruning, Aye; Edinger, Aye; Goodlander, Aye; Hassell, Aye; Kennedy, Aye; McEvers, Aye. Motion carried.

PUBLIC HEARING – EXTENDING DESIGN REVIEW FEES TO C-17 AND C-17L

ZONES: Mayor Bloem read the rules of order for this public hearing. Dave Yadon, Planning Director, gave the staff report.

Mr. Yadon reported that the City Council recently approved the Design Guidelines for the C-17 and C-17L zoning districts. As part of these guidelines, certain projects may either require or request review by the Design Review Commission. A fee of \$100.00 was previously established for Design Review hearings related to the Downtown Core and Infill Districts. Although not a new fee, a new group of projects can now come before the Design Review Commission and the Legal Department has recommended that a public hearing should be conducted prior to the Council determining if this fee applies to this new group.

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

RESOLUTION NO. 10-014

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING A \$100.00 FEE FOR C-17 AND C-17L ZONED PROJECTS ACCESSING THE DESIGN REVIEW PROCESS.

Motion by Kennedy, seconded by McEvers to **deny** Resolution 10-014.

DISCUSSION: Councilman McEvers requested that the Council approve waiving the fee for three years for the C-17 and C-17L zoning districts. Councilman Edinger asked if Councilman McEvers' request is doable. City Planning Director Dave Yadon noted that the Council could do whatever they wish; however, this would create a difference between the applicants that would be utilizing the same services of the Design Review Commission. Councilman Edinger asked if the City could be sued for discriminating if they chose to waive the fees. Mayor Bloem commented that the Design Guidelines are not the same for the C-17 and C-17L as for the Downtown or Infill districts. City Attorney Mike Gridley responded to Councilman Edinger's concern about being sued in that it depends but he would not worry about being sued as you can charge different fees for different circumstances.

ROLL CALL: McEvers, Aye; Kennedy, Aye; Hassell, Aye; Goodlander, Aye; Edinger, Aye; Bruning, Aye. Motion to deny resolution 10-014 carried.

ADJOURNMENT: Motion by Edinger, seconded by Kennedy that, this meeting be recessed to April 22nd at 6:00 p.m. in the Library Community Room for the annual Strategic Planning Workshop. Motion carried.

The meeting recessed at 7:25 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk