

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
MAY 3, 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 May 3, 2005 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

| | | |
|-----------------------|---|----------------------------|
| Dixie Reid |) | Members of Council Present |
| Woody McEvers |) | |
| A. J. Al Hassell, III |) | |
| Ben Wolfinger |) | |
| Loren Edinger |) | |
| Deanna Goodlander |) | |

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

INVOCATION: The invocation was led by Paul Van Noy, Vineyard Christian Fellowship.

PLEDGE OF ALLEGIANCE: The pledge was led by Councilman Edinger.

PROCLAMATION – BIKE MONTH IN COEUR D'ALENE: Councilman Hassell, on behalf of Mayor Bloem read the proclamation proclaiming the month of May as Bike Month in the City of Coeur d'Alene. Mike Gridley, Bicycle/Pedestrian Committee Liaison, accepted the proclamation.

ANNUAL REPORT – GRANT-WRITING PROGRAM: Elaine Smith, grant writer, reported on the grants received last year. 2003-2004 received seven grants for the Special Needs Program. The Street Department received a grant for \$140,000 for a new street sweeper and the Fire Department received \$65,600 for a fire safety house. The Parks Department received \$50,000 for 3rd Street Docks improvements. Lake City Senior center received two grants for computers. The total amount of grants received by the City this year was \$280,922. She noted that the \$25+ million Kroc Grant application was an example of great teamwork. Pending grants total \$401,195. A \$97,900 grant for the Parks Department was just received. Victoria Bruno presented a listing of all the grants for not only the City but LCDC, PAC, Human Rights Education Institute, and the Library Foundation. She reported that due to Elaine's efforts the City has received 92% for every grant submitted. Councilman Goodlander noted that the grant writer is a shared position among the five entities listed above.

PUBLIC COMMENTS:

CENTENNIAL TRAIL: Steve Grourk, 2629 W. Keyway Ave., Spokane, WA, representing the North Idaho Centennial Trail Foundation, expressed his appreciation for the Council's foresight in creating a trail system that will benefit residents and visitors to the City.

UNLEASHED DOGS ON TUBBS HILL: Barbara Krumpacker, 1015 Lakeside Ave., asked the Council to raise the fines for dogs that are allowed to run free on Tubbs Hill. She suggested putting an ad in the paper to make the community more aware of this problem. Mayor Bloem noted that she will discuss this issue at her next radio show. Councilman Hassell believes that this is a problem throughout the City. Council President Reid also noted that we need to increase the awareness to the public in picking up after their dog relieves itself.

WALKING ROUTES: Jason Wheaton, 1421 N. Meadowwood Ln., Liberty Lake, commended the Council for their creation and maintenance of walking corridors. He noted that the city has an opportunity to create a north-south corridor and urged the Council to do so. He also noted that he supports a pedestrian infrastructure in the City's codes. He believes that walking and bicycle facilities are as important as parking lots for cars. He noted that Greenstone – Kootenai supports the creation of a pedestrian-oriented infrastructure. David Candia voiced his concern that it is becoming increasingly problematic to go from the downtown area to the northern end of the City. He suggested that the City post "bicycle shared roads" signs. He also believes that it would be extremely helpful to have a printed map of bicycle routes for visitors who are not familiar with our traffic patterns. Jennifer Wiltze, representing NIC, supports a bicycle/pedestrian plan throughout the City. Jim Frank, 1421 N. Meadowwood Lane, Liberty Lake, supports the City's efforts in the trail development. He believes that a pedestrian/bicycle plan is a very important component to economic development.

BUILDING MORATORIUM IN DOWNTOWN AREA: John Bruning, 618 Military Drive, representing the Planning Commission, stated that in regard to the proposed moratorium in the CBD, it would be for buildings over 5 stories and would last no more than 6 months. He explained that the reason the Planning Commission is proposing a moratorium is because there are no limits to building heights in the Downtown area. This moratorium would allow a consultant time to create an ordinance regulating the height issue in the downtown area. He also noted that the City's Planning Director has contacted a consultant who would be willing to draft such an ordinance for the City.

Mayor Bloem declared a conflict of interest in this matter and excused herself from this portion of the meeting. Council President Reid assumed the role as Mayor Pro Tem.

Brad Jordan, a member of the City's Planning Commission and Lake City Development Corporation, reported that LCDC passed a motion opposing the moratorium. From his personal standpoint, he believes our downtown area has had its problems for the past 30 years, but now there is a re-vitalization to the Downtown area. He believes that the

Comprehensive Plan contributes to this growth, namely providing for 70-units/acre. He also noted that the infill regulations require design regulations for high rise buildings and also the area in which high rise buildings can be constructed has been restricted. He believes that the Downtown area needs high density in order for it to thrive. He noted that the construction being done now is a result of the efforts of LCDC as well as the business owners of the Downtown Business District who formed a BID in order to regenerate interest in the downtown area. A moratorium would encourage developers to create an “ugly” design in order to maximize the lot in which they are building. He believes that the City will see only so many high-rise buildings and so many mid-rise buildings. He used the example of the Coeur d’Alene North condominiums for wide mid-rise buildings.

Ed Muehlbach, President of the Downtown Association, voiced the Association’s opposition to a moratorium but supports the development regulations that allow for view corridors and open spaces. He would like to see the regulations completed quickly. He noted that there are no high rise developments currently in the works, but within six months the City could develop some regulations for a high rise program.

Motion by Wolfinger, seconded by Goodlander to bring this item forward from the agenda. Motion carried.

Councilman Wolfinger noted that he looked at what is in place today and believes it is working, but does believe that there is room for improvement. He also believes that there is a need for high density construction. He believes that moratoriums “skuttle” development for years. He noted that today there is no view corridor when you go down Sherman Avenue. He believes that once you stop the revitalization momentum, it will be extremely difficult to get it moving again. He cannot support a moratorium as it would be devastating.

MOTION: Motion by Goodlander, seconded by Wolfinger to not place a building moratorium in the Downtown area and to move on a fast track to hire a consultant and develop the necessary regulations for the Downtown area. Motion carried.

DISCUSSION: Councilman Goodlander believes that a view corridor is needed in order to allow for the high rise developments. She believes that the regulations could be put in place quicker than six months. Councilman Hassell believes that this needs to be expedited or we will be faced with two problems, negative public feedback and the possibility of a five-story wall blocking any view in the downtown area. He believes that regulations already exist in other communities and it would not take a lot of time to create similar regulations for our city. Councilman McEvers commended the Planning Commission for pushing the issue forward. Councilman Edinger believes that a lot of good things have happened downtown. He does not believe anyone would want the north side of Front Street to have a solid row of high rises but, does not believe that there are any further plans for development other than the ones that have already been approved. He agrees that this issue needs to be fast tracked in order to get this resolved in less than six months.

Mayor Bloem returned to the Council meeting.

FREQUENTLY ASKED QUESTIONS: What are the City's standards for sweeping? Street Superintendent, Jon Ingalls, reported that service goals are immediate response to spills and hazards, weekly sweeping of arterials, twice a week in the downtown area and after parades, and residential streets are to be swept 5 times a year. He noted that a robust street sweeping program helps keep the air quality high.

CONSENT CALENDAR: Motion by Reid, seconded by Edinger to approve the Consent Calendar as presented except that Item 6 is removed from the calendar.

1. Approval of minutes for April 19, 2005.
2. Setting the Public Works Committee and General Services Committee meeting for May 9, 2005 at 4:00 p.m.
3. RESOLUTION NO. 05-033 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 ENCROACHMENT PERMIT AGREEMENT WITH THE OWNERS OF CAFÉ DOMA FOR THE PLACEMENT OF A MOOSE FROM THE "NO MOOSE LEFT BEHIND" PROJECT; APPROVAL OF A FIRE BURN AGREEMENT WITH CHAD OAKLAND AND J. PATRICK ACUFF; APPROVAL OF A CONTRACT WITH THE IDAHO COMMERCE AND LABOR FOR U.S. BANK SELTICE WAY PROJECT AND APPROVAL OF S-5-03 FOR SUNSHINE MEADOWS.
4. Approval of cemetery lot repurchase from Pamela Kammeyer.
5. Approval of purchase of Stormwater Utility Sweeper for Street Dept.
6. Approval of new crew cab truck for Water Dept.

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

JUDGE MARANO: Councilman Wolfinger announced that Judge Eugene Marano is receiving a State award for his 16 years of organizing the mock trials for high school students.

ARBOR DAY: Councilman Edinger commended Karen Haskew for organizing the Arbor Day celebrations in the City Park. He thought the newspaper should have made at least a few comments about the event.

NATIONAL DAY OF PRAYER: Council President Reid announced that the annual National Day of Prayer is this Thursday, May 5th, at 12 noon and there will be a small service conducted in front of City Hall at that time.

BIG BAND BASH: Councilman Goodlander announced the Library Foundation's Big Band Bash will be held on May 14th at the Eagles. This is a fund raising event for the new Library building and encouraged residents to attend this event.

GOVERNMENT WAY PROJECT: Councilman Hassell encouraged residents to take a look at the new look of Government Way. He commented that the width of this street is phenomenal. Also, with the numerous street improvement programs going on this Summer, he asked the residents to look out for the flaggers and advised drivers to take an extra 5 minutes to get to their destination and to slow down in construction areas. Councilman Wolfinger added that the portion of Government Way between Costco and Dalton Avenue will have the asphalt completed the week of May 23rd.

COMMITTEES/COMMISSIONS/BOARDS APPOINTMENTS: Motion by Edinger seconded by Reid to appoint the following: Kerri Bailey to the Animal Control Advisory Board; Paul Olscamp to the Arts Commission; Scott Rasor, Tom Messina, Brad Jordan to the Planning Commission; Andrew Staples, Larry Strobel to the Pedestrian/Bicycle Committee, and; Steve Bloedel to the Urban Forestry Committee. Motion carried.

EXECUTIVE TEAM REPORT: Jon Ingalls, representing the Executive Team, 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. Contact the Recreation Department for more information at 769-2250. The deadline for registration for Church Coed Softball is May 11th. Please call the Recreation Department at 769-2250, or visit our web site at www.cdavid.org for registration information. Information regarding USA Team Tennis Registration through the Coeur d'Alene Tennis Association is also available on our web site. The Human Resources Department is currently accepting applications for a Plumbing/Mechanical Building Inspector, with an application deadline of May 6th. We are also in the middle of Firefighter recruitment, with an application deadline of May 10th. Please contact the Human Resources Department for more information at 769-2205, or visit our web site at www.cdavid.org. The second annual Big Band Bash to benefit the new Coeur d'Alene Public Library will be Saturday, May 14th, from 6:30 to 10:00 p.m., upstairs at the Eagles Lodge, 209 Sherman Avenue. For more information on Big Band Bash 2, contact Ruth Pratt at the Foundation Office or visit the Foundation website: www.newcdalibrary.com. The City has received donations of several trees in the last few months. We would like to thank the following donors: Ken Roberge of Specialty Tree Service; Kathy Peterson; Anneke and Jeff Connaway; Jim Pierson. The City of Coeur d'Alene Water Department started the Ironwood Drive water main replacement project last Thursday. The project runs between Northwest Boulevard and Ironwood Drive and will replace 4,500 feet of 8" water main with a 12" main. The project will be completed by the end of June. The center lane will be closed during the project and at times traffic will be restricted to a single lane. During the project, drivers should expect delays when traveling through the area. Additional information and updates are available on the project website (www.jubprojects.com/cda). Persons with concerns or questions should contact the project manager, Mike Klaus at J-U-B Engineers, 762-8787 or the Coeur d'Alene Water Department, 769-2379. Spring street paint striping is nearly complete. We ask that motorists continue to watch for our striping truck and pilot car and yield to their operations. The creation of the Stormwater Utility is strengthening our maintenance efforts. The Library will be offering two computer workshops in May – Surfing the Web

on Wednesday, May 4th, at 6:00 p.m., and Basics in Publisher (Desktop Publishing) on Wednesday, May 18th, at 6:00 p.m. Contact the staff at the Coeur d'Alene Public Library at 769-2315 for more information, or to sign-up for a free workshop. Girls ages 7-12 can sign up now for the American Girl Tea Party – organized by Youth Services at the Coeur d'Alene Public Library – planned for Saturday, May 14th, from 1 – 3 p.m., at Trinity Lutheran Church, 812 N. Fifth Street. For more information, contact the library at 769-2315. On Saturday, May 14th, at 9:00 a.m. we are planning a large-scale spring clean up of Tubbs Hill. Starbuck's Coffee is sponsoring the cleanup with the Tubbs Hill Foundation and the CDA Parks Department. Starbuck's Coffee will donate \$10.00 for every person that shows up to help. The donations will go to the Tubbs Hill Foundation for long-term care and preservation of Tubbs Hill. If you have any questions, contact the Parks Department at 769-2252.

ORDINANCE NO. 3211

COUNCIL BILL NO. 05-1009

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 15.20.010 TO REGULATE HVAC CONTRACTORS AND JOURNEYMEN; AMENDING 15.20.020 TO REQUIRE THAT PERSONS DOING WORK ON A FUEL GAS SYSTEM MUST OBTAIN A LICENSE FROM THE STATE OF IDAHO; AMENDING SECTION 15.20.070 TO REQUIRE THAT ALL LICENSES REQUIRED BY CHAPTER 15.20 BE APPLIED FOR ACCORDING TO IDAHO STATE STATUTES; AMENDING SECTION 15.20.080 TO REQUIRE THAT ALL PERSONS DOING WORK ON AN HVAC SYSTEM CARRY THEIR LICENSE; AMENDING SECTION 15.20.120 TO CORRECT A GRAMMATICAL ERROR; AMENDING SECTION 15.20.130 TO REQUIRE THAT ALL PERMITTEES' COMPLY WITH ALL ADOPTED REGULATIONS; AMENDING SECTION 15.20.150 TO REFER TO HVAC CONTRACTS AND JOURNEYMEN; AMENDING SECTION 15.20.170 TO CORRECT A GRAMMATICAL ERROR; AMENDING SECTION 15.20.180 TO REFER TO THE BUILDING OFFICIAL; AMENDING SECTION 15.20.190 TO EXEMPT U OCCUPANCIES FROM THE REQUIREMENTS OF THE SECTION; AMENDING SECTION 15.20.200 TO REFER TO HVAC CONTRACTORS; AMENDING SECTION 15.20.210 TO DELETE REGULATIONS FOR SUSPENSION OF LICENSES; AMENDING SECTION 15.20.220 TO ALLOW SERVICE OF ORDERS BY LEAVING A COPY OF THE ORDER AT THE PLACE OF BUSINESS; AMENDING SECTION 15.20.240 TO ESTABLISH THAT ISSUANCE OF A PERMIT DOES NOT AUTHORIZE VIOLATIONS OF LAW; REPEALING SECTIONS 1.20.025, 15.20.030, 15.20, 040, 15.20.050, 15.20.060, 15.20.140, 15.20.250; 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 Wolfinger, seconded by Goodlander to pass the first reading of Council Bill No. 05-1009.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Council Bill No. 05-1009 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.

ACCEPTANCE AND ADOPTION OF NORTHWEST QUADRANT SEWER MASTER PLAN: Jim Dunn from the Wastewater Department and Steven James from JUB Engineers presented the plan for the sewer system in the northwest quadrant of the City. Council President Reid noted that staff will need to work with the developers to assure the sewer lines will be placed in the proper location to assure that there is the capacity to maintain their developments. Motion by Reid, seconded by Edinger to accept and adopt the Northwest Quadrant Sewer Master Plan. Motion carried.

PARKING SPACES ON SHERMAN AVENUE FOR LIBRARY FOUNDATION EVENT: Motion by Goodlander, seconded by Edinger to approve the Downtown Association's request on behalf of the Library Foundation for the use of 8 parking spaces in front of the Eagles Building in order to reserve these spaces for placing vintage cars as part of their Big Band Bash event. Motion carried. Councilman Wolfinger requested that the Police barricade signs be used.

ORDINANCE NO. 3212

COUNCIL BILL NO. 05-1010

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING 15.08.005 TO ADOPT THE 2003 INTERNATIONAL BUILDING CODE AND INTERNATIONAL ENERGY CONSERVATION CODE AND CORRECT A TYPOGRAPHICAL ERROR; AMENDING 15.14.010 TO REFER TO THE 2003 INTERNATIONAL FUEL GAS CODE ADOPTED BY 15.08.005; AMENDING 15.12.010 TO CLARIFY THOSE PORTIONS OF THE 2003 UNIFORM PLUMBING CODE ADOPTED BY THE CITY; 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 Wolfinger, seconded by Hassell to pass the first reading of Council Bill No. 05-1010.

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

Motion by Wolfinger, seconded by Hassell to suspend the rules and to adopt Council Bill No. 05-1010 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.

ORDINANCE NO. 3213

COUNCIL BILL NO. 05-1011

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 TO C-17 AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: LOT 3, BOCK 32, SHERMAN ADDITION TO COEUR D'ALENE IN SOUTHWEST ¼ OF SECTION 12, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; MORE SPECIFICALLY DESCRIBED AS A +/- 5,550 SQ. FT. PARCEL AT 1709 3RD STREET, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Hassell, seconded by Wolfinger to pass the first reading of Council Bill No. 05-1011.

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

Motion by Wolfinger, seconded by Edinger to suspend the rules and to adopt Council Bill No. 05-1011 by its having had one reading by title only.

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

ORDINANCE NO. 3214

COUNCIL BILL NO. 05-1012

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-17 TO C-17 AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A PORTION OF LOT 1, BLOCK 4, LYING SOUTH OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY AND A PORTION OF THE EAST ½ OF SECTION 10 BOTH BEING IN SECTION 10,

TOWNSHIP 50 NORTH, RANGE 4 WEST BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; MORE SPECIFICALLY DESCRIBED AS A +/- .83-ACRE PARCEL OF LAND THE BETWEEN BURLINGTON NORTHERN RIGHT-OF-WAY AND THE SPOKANE RIVER IN THE RIVERSTONE DEVELOPMENT, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Edinger, seconded by Wolfinger to pass the first reading of Council Bill No. 05-1012.

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

Motion by Wolfinger, seconded by Hassell to suspend the rules and to adopt Council Bill No. 05-1012 by its having had one reading by title only.

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

COUNCIL BILL NO. 05-1013

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 5.18.060 TO REQUIRE A ONE MILLION DOLLAR LIABILITY INSURANCE POLICY; AMENDING SECTION 5.44.070 TO INCREASE THE LIABILITY INSURANCE REQUIREMENT TO ONE MILLION DOLLARS, AMENDING SECTION 10.60.100 TO INCLUDE ESTIMATED NUMBER OF SPECTATORS AT AN EVENT AND AMENDING SECTION 10,60.130 TO REQUIRE A ONE MILLION DOLLAR LIABILITY INSURANCE POLICY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF,

Motion by Wolfinger, seconded by Goodlander to refer this Council Bill to the General Services Committee for their May 9th Committee meeting. Motion carried. Councilman Hassell requested information on the number of groups that would use this insurance.

ORDINANCE NO. 3215

COUNCIL BILL NO. 05-1014

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 10.26.020, 10.26.040, 10.26.065, 10.26.090, 10.26.120, 10.26.150 AND 10.26.160 TO SET PARKING FEES AND WATERCRAFT LAUNCHING FEES BY RESOLUTION OF THE CITY COUNCIL AMENDING SECTION 10.26.020 AND 10.26.040 TO

PROHIBIT TRAILER PARKING WITHOUT A VEHICLE; AMENDING SECTION 10.26.120 TO EXEMPT VEHICLE PARKED BY PERMIT FROM THE REQUIREMENTS OF THIS SECTION; AMENDING SECTION 10.26.150 TO ALLOW PARKING WITHOUT A PERMIT AT DESIGNATED TIMES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND ESTABLISHING AN EFFECTIVE DATE HEREOF.

Motion by McEvers, seconded by Wolfinger to pass the first reading of Council Bill No. 05-1014.

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

Motion by Reid, seconded by Wolfinger to suspend the rules and to adopt Council Bill No. 05-1014 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.

RESOLUTION 05-034

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO SETTING FEES FOR DOWNTOWN PUBLIC PARKING LOTS.

Motion by McEvers, seconded by Edinger to adopt Resolution 05-034 with the deletion of 2nd bullet under Museum Parking and adding that the 1st hour of parking is free.

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

PUBLIC HEARING – DECLARATION OF UNDERUTILIZED REAL PROPERTY: Mayor Bloem read the rules of order for this public hearing. Mike Gridley, City Attorney, gave the staff report.

Mr. Gridley described the subject property as a rectangular piece of property 25' wide by 226' long, the location as west of 2100 Sherman Avenue and east of St. Thomas Cemetery.

He reported that the City under utilizes the property and there are no plans to increase the usage. The property is used primarily for parking and access to the St. Thomas Cemetery; however, there are other places to park and other accesses to the cemetery through Front Street and Mullan Avenue. He noted that it has never been dedicated as a roadway or alleyway. I.C. 50-1401 gives the City Council the authority to manage real property which the City Council deems to be in the best interest to the City. The legal notice indicated that it could be sold at no minimum price. He noted that like at a public auction, another notice would be posted. The Council can declare property as surplus and

vacate it at no cost or, since this property was acquired in fee, it could be sold. In response to a question of traffic count, Mr. Gridley responded that no traffic count has been done; however, it is the Council's decision if they determine the property to be underutilized. Although, Mr. McHugh's letter keeps referring to this property as a roadway, Mr. Gridley noted that this property has never been established as a roadway.

Councilman Wolfinger asked if there is a curb cut, could it be defaulted to a roadway. Mr. Gridley responded that the Council has the right to determine if it is under utilized and, even if it was established as a roadway, the Council has the right to vacate it. In reference to access to the gate to the cemetery, Mr. Gridley proposed an easement to assure access to the cemetery from Front Street. Councilman Edinger noted that the questions Mr. Gridley has been referring to were from a letter received from Mr. John McHugh. Councilman Edinger asked how far east are we proposing to vacate. Mr. Gridley noted that it would be to the fence line. He noted that the City has maintained it by putting down gravel. He noted that staff recommends that, if the property is declared underutilized, that it be sold at public auction with no minimum value.

PUBLIC COMMENTS: Gary Graham 604 S. 22nd Street, a resident of Beehive Homes complimented the staff for their work in trying to resolve this issue. He hoped that the Council would agree to declare this property surplus.

MOTION: Motion by Reid, seconded by Goodlander to declare the property between 2100 Sherman Avenue and St. Thomas Cemetery as under utilized and direct staff to conduct an auction of the property, with no minimum value set, or otherwise dispose of this property and to include an easement preserving access to the Cemetery from Front Street. Councilman Wolfinger asked if an appraisal would be done. Mr. Gridley responded that the City does know how much Mr. Graham purchased the property adjacent to the subject property for. The intent would be to sell at public auction with a notice. **ROLL CALL:** Edinger, Aye; Goodlander, Aye; Hassell, Aye; McEvers, Aye; Reid, Aye; Wolfinger, Aye. Motion carried.

EXECUTIVE SESSION: Motion by Wolfinger, seconded by Reid to enter into Executive Session as provided by Idaho Code 67-2345: Subsection A: To consider hiring a public officer, employee, staff member or individual agent; Subsection C: To conduct deliberations concern labor negotiations or to acquire an interest in real property not owned by a public agency; 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: Edinger, Aye; Wolfinger, Aye; Hassell, Aye; Goodlander, Aye; McEvers, Aye; Reid, Aye. Motion carried.

The session began at 8:07 p.m. Members present were the Mayor, City Council, City Administrator and City Attorney.

Matters discussed were those of pending litigation. No action was taken and the Council returned to regular session at 9:47 p.m.

RESOLUTION 05-035

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR MOVING EXPENSES, WITH BETTE R. AMMON, LIBRARY DIRECTOR.

Motion by Goodlander, seconded by Reid to adopt Resolution 05-035.

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

Motion by Reid, seconded by Goodlander to amend Resolution 05-035 to approve a \$5,000 relocation expense for the Library Director. ROLL CALL: Edinger, No; Wolfinger Aye; Hassell, Abstain; Goodlander, Aye; McEvers, Aye; Reid, Aye. Motion carried.

RESOLUTION 05-036

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR CONSULTANT LABOR SERVICES, WITH DONALD R. RAUGUST AND DIANA RAUGUST, WHOSE CURRENT ADDRESS IS 2415 N. 6TH STREET, COEUR D'ALENE, IDAHO 83814.

Motion by Goodlander, seconded by Reid to adopt Resolution 05-036.

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

FREUND CLAIM: Motion by Wolfinger, seconded by Edinger to approve an offer of compromise in the Freund sewer backup claim. Motion carried.

ADJOURNMENT: Motion by Edinger, seconded by Wolfinger, that there being no further business, this meeting is adjourned. Motion carried.

The meeting adjourned at 10:00 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk