

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
JUNE 5, 2007**

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 June 5, 2007 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)	
A. J. Al Hassell, III)	
Dixie Reid)	
Loren Ron Edinger)	
Deanna Goodlander)	

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

INVOCATION was led by Pastor Phil Muthersbaugh, Life Source Community Church.

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

PROCLAMATION – “RACE UNITY DAY”: On behalf of Mayor Bloem, Councilman Hassell read the proclamation declaring June 9th as Race Unity Day in the City. Bob Rhinehart accepted the proclamation.

PRESENTATION - SUMMER BEACH STAFF: Steve Anthony, Recreation Director, introduced the summer lifeguards and staff for this summer's City Beach operations. Head Lifeguard Nancy Taylor announced that Lifeguards will be on duty beginning this Saturday and will be on duty from 10 a.m. to 6 p.m. daily throughout the summer.

PRESENTATION - DONATION OF 1,000 FEET OF WATERFRONT

PROPERTY: Doug Eastwood, Parks Director, introduced the members of the Parks Foundation. Jenae Gravelle recalled the story of how Tom Johnson envisioned this riverfront property as a public park. Steve Wetzel, representing the Coeur d'Alene Parks Foundation, presented the City with their first donation of 1,000 feet of waterfront property known as The Johnson Mill River Park valued at \$3,000,000.00. Councilman Kennedy believes that his children, grandchildren, nieces and nephews will benefit from this donation as well as all the community. Councilman Reid believes that this is not just the donation of land but also the true spirit of our community. Mayor Bloem commented that community is about people and not just water and land. Jordan Johnson set an example for youth and Tom Johnson set an example for our community and it is these

types of relationships that create our community. She extended a generous thank you to the Johnson family.

PRESENTATION - ADA SIDEWALK UPDATE: Jon Ingalls, Deputy City Administrator, provided an update on the ADA Sidewalk Project. He reviewed the problem regarding bringing sidewalks up to ADA compliance, the reasons why the sidewalks need to be brought up to code, the homeowners' liability, and the process the City is undertaking in order to bring the sidewalks up to City standards and ADA compliance.

ORDINANCE NO. 3298
COUNCIL BILL NO. 07-1022

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING MUNICIPAL CODE SECTION 12.20.030 TO ALLOW SERVICE OF THE NOTICE OF A DEFECTIVE SIDEWALK TO BE PROVIDED BY MAIL; 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 Goodlander, seconded by McEvers to move this item forward on the agenda. Motion carried.

Motion by McEvers, seconded by Goodlander to pass the first reading of Council Bill No. 07-1022.

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

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 07-1022 by its having had one reading by title only.

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

PRESENTATION - CLIMATE PROTECTION ACTION: Bill Irving, representing the Climate Change Action Network, presented a proposal for the City to join his organization's efforts in reducing global warming.

PUBLIC COMMENTS:

PARKS MAINTENANCE LEAD WORKER INTRODUCED: Parks Director Doug Eastwood introduced the newest member of the Parks Department, Mike Kempton.

CLEAR CUTTING OF TREES: Susan Crowe, 4011 N. 21st Street, voiced her concerns of the clear cutting of trees for development and urged the Council to

participate in the Climate Change Action Network.

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

1. Approval of minutes for May 15, 2007.
2. Setting the Public Works Committee and General Services Committee meetings for June 11, 2007 at 4:00 p.m.
3. RESOLUTION 07-042: 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 MEMORANDUM OF UNDERSTANDING WITH THE POLICE DEPARTMENT LIEUTENANTS; APPROVAL OF THE DECLARATION OF SURPLUS PROPERTY – CRT MONITORS; APPROVAL OF AN AMENDMENT TO THE KOOTENAI COUNTY EMERGENCY MEDICAL SERVICES SYSTEM [KCEMSS]; APPROVAL OF A RENTAL AGREEMENT WITH THE IDAHO DEPARTMENT OF LANDS; APPROVAL OF AN AGREEMENT FOR LEGAL REPRESENTATION FOR WATER RELATED MATTERS; APPROVAL OF AN AGREEMENT WAIVING OPPOSITION TO ANNEXATION WITH MR. AND MRS. SMYTHE AND APPROVAL OF AN AGREEMENT FOR ENGINEERING PLAN REVIEW AND OTHER SERVICES WITH BOB AVON.
4. Acceptance of Donation - Artwork in Coeur d'Alene Place Roundabout.
5. Authorizing Staff to negotiate a contract with the Results Group, Ltd. for an organizational assessment of the Police Department.
6. Approval of Outdoor Eating Encroachment Permits for Cd'A Eagles, Bella Rose and Bambino's.
7. Approval of cemetery lot transfer from Joyce Bacile to Ron Kammeyer.
8. Approval of beer license for Pizza Hut at 355 W. Hanley Avenue
10. Approval of non-mobile food permit for Randy Folk - Joey's Smokin' BBQ for Little League games.

Motion by Reid, seconded by Hassell to remove Item 9 from the Consent Calendar.
Motion carried.

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

FIREWORKS STAND PERMITS: Motion by Reid, seconded by Edinger to approve Item No. 9.

9. Approval of fireworks stand permits as listed and on file in the Office of the City Clerk.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN EDINGER : Councilman Edinger commended Doug Eastwood and the Parks Department for having the cemetery looking so nice during the recent Memorial Day holiday.

COUNCILMAN MC EVERS: Councilman McEvers announced that they are in the process of fixing the skateboard park and especially thanked Eric and Billy for doing the concrete work and ACI for their donated time and money to make this skateboard park improvement a success. It is hoped that the work will be completed on Saturday.

COUNCILMAN KENNEDY: Councilman Kennedy voiced his concerns of the recent articles regarding the School District and LCDC which are inaccurate and requested the consent of the Council to draft a response and submit it to the Press for publication. Motion by Kennedy seconded by Goodlander to authorize a response to these inaccuracies be drafted and published in the newspaper.

COUNCILMAN GOODLANDER: Councilman Goodlander expressed her appreciation to the Greenstone Corporation who is not only placing the bear from the downtown area in the roundabout at Coeur d'Alene Place but also for their efforts in placing public art throughout their developments. She also noted that the "Kate and her Dog" statue has been repaired and will be placed in the Riverstone Park along the Centennial Trail.

APPOINTMENTS: Motion by Edinger, seconded by Kennedy to appoint Tony Ball to the Cemetery Advisory Board. Motion carried.

ORDINANCE NO. 3299
COUNCIL BILL NO. 07-1020

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 17.05.005, 17.05.050, 17.05.085, 17.05.130, 17.05.210, 17.05.290, 17.05.370, 17.05.530, 17.05.610, 17.05.770, 17.05.850 AND 17.06.320 TO DELETE REFERENCES TO HEIGHT VARIANCE AND TO ADOPT A TABLE FORMAT; REPEALING SECTION 17.06.330 REGARDING HEIGHT VARIANCES; AMENDING SECTION 17.06.835 TO CORRECT A TYPOGRAPHICAL ERROR, AMENDING SECTION 17.07.925 TO REDUCE THE MAXIMUM ALLOWED HEIGHT IN THE EAST INFILL DISTRICT FROM 38 TO 35 FEET; AMENDING SECTION 17.07.1010 TO CORRECT THE MAXIMUM ALLOWABLE HEIGHT FOR POCKET HOUSING DEVELOPMENTS; ADOPTING A NEW ARTICLE IX IN CHAPTER 17.09 TO ESTABLISH MEDIATION PROCEDURES FOR LAND USE DISPUTES; 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 Edinger to pass the first reading of Council Bill No. 07-1020.

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

Motion by Edinger, seconded by Hassell to suspend the rules and to adopt Council Bill No. 07-1020 by its having had one reading by title only.

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

RESOLUTION NO. 07-044

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR USLA LIFEGUARD TRAINING, WITH THE CITY OF HAYDEN ITS PRINCIPAL PLACE OF BUSINESS AT 8930 N. GOVERNMENT WAY, HAYDEN, IDAHO 83835.

Motion by Reid, seconded by Kennedy to adopt Resolution 07-044.

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

RECESS: Motion by Hassell, seconded by Goodlander to take a 5 minute recess. Motion carried. The Council recessed at 7:26 p.m. They returned to their regular meeting at 7:33 p.m.

PUBLIC HEARING – ZC-4-07 - ZONE CHANGE AT 3313 N. 4TH STREET:

Mayor Bloem read the rules of order for this public hearing. No conflicts of interest were declared by the City Council. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos gave the applicant's name as Russell Wolfe, the area as approximately a .58 acre parcel at the southwest corner of 4th and Neider and the request as a zone change from R-12 to R-17.

Mr. Stamsos gave the staff analyses on Comprehensive Plan, land use and neighborhood characteristics, zoning, utilities and traffic/streets. He reported that on April 10, 2007 the Planning Commission recommended approval of the zone change from R-12 to R-17. He noted that as part of the Special Use Permit the Commission has required the following conditions:

1. The applicant shall obtain a site development permit from the City of Coeur d'Alene prior to construction of the parking lot.

2. The parking lot access to 4th Street is set up for a right-in and right-out only, striped and signed pursuant to the City's normal development procedures.

Mr. Stamos reported that 58 notices of this public hearing were mailed with a total of 2 responses being received, both opposed to the request. No written comments were received.

PUBLIC COMMENTS:

Russell Wolfe, representing Global Credit Union, reported that this zone change request is for the construction of a parking lot and secondary access to the Global Credit Union building that is to be built on the adjoining lot on Neider Avenue. Randy Teall, 5821 N. Harcourt Drive, Coeur d'Alene, spoke in support of this requested zone change.

MOTION: Motion by Edinger, seconded by Goodlander to approve the requested zone change and to adopt the Findings and Order of the Planning Commission including the proposed conditions. **ROLL CALL:** Edinger, Aye; Goodlander, Aye; Hassell, Aye; Kennedy, Aye; McEvers, Aye; Reid, Aye. Motion carried.

PUBLIC HEARING - ZC-6-07 - ZONE CHANGE AT 1502 N. 3RD STREET:

Mayor Bloem reviewed the rules of order for this public hearing. No conflicts of interest were declared by the City Council. John Stamos, Associate Planner, gave the staff report.

Mr. Stamos gave the applicant's name as George Beaudry, the location as an approximately 13,983 square foot parcel located at 1502 N. 3rd Street and the request as a zone change from R-12 to C-17.

Mr. Stamos, went on to give the staff analyses for zoning, land use and neighborhood characteristics, zoning, utilities and traffic/streets. He reported that on April 10, 2007 the Planning Commission recommended denial of the requested zone change.

On May 18, 2007, 35 notices of tonight's public hearing were mailed with a total of 3 responses being received - 1 in favor, 1 opposed, 1 neutral. Written comments were distributed for Council review.

PUBLIC COMMENTS:

Kim Cooper, 1203 Cherrywood Dr., Coeur d'Alene, representing George Beaudry, noted that he is a licensed real estate agent and a member of the Realtors Association and believes that by changing this zoning to commercial, it would open up a wide range of prospective buyers. He also noted that the structures on this block are blighted and they have assigned zero value to the house currently located on this property. John McGruder, 19256 S. Watson Road, Coeur d'Alene, owns the property due east of the subject property and noted that the homes on this block are rentals and are in disrepair. He supports the requested zone change.

MOTION: Motion by Reid, seconded by Goodlander to approve ZC-6-07, a zone change at 1502 N. 3rd Street.

COUNCIL DISCUSSION: Councilman Hassell believes that this area is transitioning into a commercial area with 3rd Street being a one-way, higher speed traffic flow and it would be appropriate for this area to transition into commercial zones. He noted that the written responses indicate that the owners adjacent to this property are in favor of the proposed zone change.

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

Motion by Reid, seconded by Goodlander to adopt the Findings and Order as presented. ROLL CALL: Edinger, Aye; Goodlander, Aye; Hassell, Aye; Kennedy, No; McEvers, Aye; Reid, Aye. Motion carried.

PUBLIC HEARING - INCREASE IN LAUNCHING FEES: Mayor Bloem read the rules of order for this public hearing. Doug Eastwood, Parks Director, gave the staff report.

Mr. Eastwood reported that the proposed fee adjustments bring our boat launch fees in line with the fees being charged by other agencies in the area. He is also proposing a water sport activity launch fee which addresses the businesses that use the launch area several times a day or week for recreation intended uses such as launching jet skis and boats rented from that business.

The proposed Fees are as follows:

- Idaho State residents shall be ~~three~~ four dollars (~~\$3.00~~ 4.00) per launch
- Out of state residents shall be ~~six~~ eight dollars (~~\$6.00~~ 8.00) per launch
- Idaho state residents annual season's pass shall be ~~thirty~~ forty dollars (~~\$30.00~~ 40.00)
- Out of state residents annual season's pass shall be ~~sixty~~ eighty dollars (~~\$60.00~~ \$80.00)
- Water sport activity/non-commercial daily pass shall be twenty-five dollars (25.00)
- Water sport activity/non-commercial season pass shall be two hundred fifty dollars (\$250.00)
- State residency shall be determined by the towing vehicle's license plate.
- The fees in this section shall not apply to governmental agencies
- The fees in this section shall not apply to disabled veterans who have a state-issued Veterans pass

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

RESOLUTION 07-043

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING RESOLUTION NO. 06-077, FEES FOR DOWNTOWN PUBLIC PARKING LOTS, ADOPTED THE 5TH DAY OF DECEMBER, 2006.

Motion by Goodlander, seconded by Hassell to adopt Resolution 07-043.

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

EXECUTIVE SESSION: Motion by Reid, seconded by Hassell to enter into Executive Session as provided by I.C. 67-2345 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: Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye; Hassell, Aye. Motion carried.

The Council entered into Executive Session at 8:50 p.m. Those present were the Mayor, City Council, City Administrator, Deputy City Administrator, City Attorney and Finance Director.

Matters discussed were those of personnel, labor negotiations, property acquisition and pending litigation. No action was taken and the Council returned to its regular session at 9:40 p.m.

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

The meeting recessed at 9:40 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC, City Clerk