

**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 19, 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 19, 2007 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Woody McEvers	)	Members of Council Present
A. J. Al Hassell, III	)	
Dixie Reid	)	
Loren Ron Edinger	)	
Deanna Goodlander	)	
Mike Kennedy	)	

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

**INVOCATION** was led by Rev. Ron Hunter, Church of the Nazarene.

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

Mayor Bloem announced that the "Art for Children" agenda item from the General Services Committee would not be presented this evening.

**PRESENTATION: "2007-2008 Preliminary Budget":** Troy Tymesen, Finance Director, made a presentation regarding the city's 2007-2008 Preliminary Budget. Mr. Tymesen indicated that the budget is not balanced at this time. A public hearing will be held on Tuesday, September 4, 2007, in Council Chambers at 6:00 p.m. The budget is driven by a strategic planning process wherein the departments and committees bring forward proposals for the Council to review and decide upon high priority areas.

Mr. Tymesen explained that in the preliminary budget they are looking at over 14 new positions. It is also a great year for a number of building projects. The city will need to add additional staff to maintain the new library building. In addition, there are public safety needs, including new police and fire personnel. Code enforcement and animal control are also being looked at. Mr. Tymesen stated that Resolution 07-045 includes a number of areas that the city won't be able to fund, but they will start whittling away at the deficit.

Mr. Tymesen stated that in July the council will be holding a workshop on July 10<sup>th</sup>, at 5:00 p.m., at City Hall, and if not finished, they will hold another workshop on Thursday, July 12<sup>th</sup>, at 5:00 p.m. At that time the Executive Team will bring forth its recommendations in regard to the budget.

Mr. Tymesen explained that this past year the city grew by about \$175,000,000 through new growth and annexations. This does not include increases in existing properties and assessments. There is no new growth in the Urban Renewal districts. Mr. Tymesen estimates almost \$690,000 in new property tax dollars could be coming into the city, which is down about \$300,000 in property tax revenue from new growth. The City of Coeur d'Alene is approaching 3.4 billion dollars in valuation. Mr. Tymesen indicated that if the city takes their allowed 3% tax increase, in addition to the income from new growth, he would forecast that the levy rate will go down. A 3% increase would equal \$395,919 to the City of Coeur d'Alene.

Mr. Tymesen stated that the total budget for the City of Coeur d'Alene at this time is \$66,792,730 and the city is approximately \$480,000 short from balancing the budget.

### **RESOLUTION NO. 07-045**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING A NOTICE OF TIME AND PLACE OF PUBLIC HEARING OF THE PROPOSED BUDGET FOR FISCAL YEAR 2007-2008, AND INCLUDING PROPOSED EXPENDITURES BY FUND AND/OR DEPARTMENT, AND STATEMENT OF THE ESTIMATED REVENUE FROM PROPERTY TAXES AND THE TOTAL AMOUNT FROM SOURCES OTHER THAN PROPERTY TAXES OF THE CITY FOR THE ENSUING FISCAL YEAR AND LISTING EXPENDITURES AND REVENUES DURING EACH OF THE TWO (2) PREVIOUS FISCAL YEARS, AND PROVIDING FOR PUBLICATION OF THE SAME.

Motion by Reid, seconded by Goodlander, to adopt Resolution 07-045.

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

**PUBLIC COMMENTS:** There were no public comments.

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

1. Approval of minutes June 5, 2007
2. Setting of the next Public Works Committee and General Services Committee meetings for June 25th at 4:00 p.m.
3. RESOLUTION 07-046: 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 LETTER OF AGREEMENT BETWEEN THE CITY AND KOOTENAI COUNTY TRANSPORTATION AND APPROVAL OF A PARAMEDIC INTERN AGREEMENT WITH SPOKANE COMMUNITY COLLEGE.
4. Approval of Bills as Submitted
5. Purchase of Police Department Electronic Ticketing Hardware and Software

6. Setting of Public Hearing:
  - a. ZC-8-07 Zone change a 1401 N. 3rd for July 17, 2007
  - b. ZC-9-07 Zone Change at 4040 & 4082 N. Player Drive for July 17, 2007
7. Approval of Sidewalk Encroachment Permit for Moose Market at 401 E. Sherman
8. Denial of Citizen Request for Encroachment Permit for Planters with Trellis at Bambinos Restaurant
9. Setting of public hearing for the appeal of a denial of tree removal at 314 N. 11<sup>th</sup> Street for July 17, 2007.

DISCUSSION: Councilman Reid mentioned that the city will fund \$52,000 for public transportation in the coming year as opposed to \$40,000 last year. But along with that increase the city is getting a new bus to help with Special Needs recreation programs.

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

#### **COUNCIL ANNOUNCEMENTS:**

COUNCILMAN MCEVERS: The city is partnering with the Lake City Development Corporation and doing a parking study downtown. The consultants will be doing a survey, mailings, and talking to people. The parking survey has been placed on the website. If you are interested in giving input, go to [www.cdavid.org](http://www.cdavid.org) and fill out the survey.

COUNCILMAN KENNEDY: Councilman Kennedy welcomed County Commissioner Rick Currie to the meeting tonight.

COUNCILMAN GOODLANDER: Councilman Goodlander stated that she was asked a question from a constituent the other day regarding where the \$1.00 check off amount for the homeless goes. Mr. Tymesen, Finance Director, responded that the city participates with a group at Panhandle Area Council that oversees a trust fund and there are a number of homeless organizations that receive these dollars. The city writes a check every month and incurs no expenses in passing the money through to the trust fund.

COUNCILMAN REID: Councilman Reid stated that it is an exciting week for the City of Coeur d'Alene due to the Ironman event. She encouraged the citizens to take the time to go and watch the event. She also stressed that there is still room for more volunteers.

**COMMITTEE APPOINTMENTS:** Motion by Edinger, seconded by Hassell, to appoint Marc Shumaker to the Pedestrian & Bicycle Advisory Board.

## **RESOLUTION NO. 07-047**

**A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT WITH BBC RESEARCH & CONSULTING FOR THE COMPLETION OF A CONSOLIDATED PLAN AND ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE.**

STAFF REPORT: Renata McLeod, Project Coordinator, presented the staff report. She indicated that there are two decision points: (1) authorizing an agreement with BBC to complete a consolidated plan for the City of Coeur d'Alene for entitlement fund status; and (2) authorizing a letter of intent to accept Community Development Block Grant (CDBG) funds. Ms. McLeod stated that item #3 on the Council's list of goals during the strategic planning process was to implement affordable housing strategies. One of those strategies is to become an entitlement city to receive CDBG funds. The funds would be a direct allocation to the City of Coeur d'Alene from HUD, and the city can use the funds in a variety of ways.

Ms. McLeod stated that HUD needs a letter of intent by July of this year to receive the CDBG funds by January of 2008. They will also need a consolidated plan turned in 45 days before the funds are received. The consolidated plan will cover all of the HUD requirements and set forth a plan of action and goals for the next 5 years. It would also require the city to have an annual action plan. The consultants will also be looking at how the dollars are allocated and will prepare a priorities list of what is important in our community.

Ms. McLeod stated that the city is currently looking at getting an allocation of \$300,000, more or less. Twenty percent of those funds can be utilized for administration. The BBC agreement is approximately \$23,650.00, which includes travel and reproduction of the report. That cost could be reimbursed to the budget from the HUD funds.

Councilman Hassell asked if existing organizations would apply to the city for allocation of the HUD funds. Ms. McLeod responded that if the project serves the entire county, it would probably be more appropriate for the organization to apply for Idaho State CDBG funds through the county.

Councilman Hassell also asked if the money could be used as matching funds for other grants. Ms. McLeod responded that it would depend on the type of grant that the city is applying for.

Councilman Reid stated that this is a big step for the City of Coeur d'Alene. It means that the city would not be eligible for some other funds that they have received in the past. In addition, they would have to have a full time person on staff to manage the funds. It is not an easy thing to do. It is one of the first big steps to get affordable housing moving in the City of Coeur d'Alene.

Councilman Edinger wondered if the CDBG funds would have any effect on the St. Vincent de Paul project. Ms. McLeod responded that St. Vincent de Paul is seeking Section 811 funds through the government and are not seeking any CDBG funds.

Ms. McLeod stated that the consolidated plan is going to be the skeleton that frames the whole process. Once they have their priorities for the next five years, they will be able to get an idea of the time involved and costs involved. The first six months will probably be a learning period.

Councilman McEvers asked if acquiring these funds puts the city in the public housing business. Ms. McLeod stated that the money can be used the same way that the city used the Idaho CDBG funds, for things such as economic development, slum and blight mitigation, and programs for the low to moderate income range. In addition, the city can assist other organizations that already exist. It can also look at methods of buying land, and infrastructure improvements in lower income neighborhoods. It might also be able to use the funds to help lower to moderate income citizens fix their sidewalks.

Ms. McLeod stated that once the City of Coeur d'Alene population reaches 50,000, they will no longer be eligible for Idaho CDBG funds. This is an opportunity to get those funds from another source.

Councilman Kennedy commented that last Friday there was a workshop at the Association of Idaho Cities conference with the Idaho Housing & Finance Association, and the Urban Renewal district director. There has been a tremendous amount of work within the last six months since the original Affordable Housing Assessment report was given. We need to make sure we find the right set of tools that will apply to the right projects at the right time.

Councilman Reid stated that there are examples all over this country of what is termed "affordable housing" that didn't work. We want something that the community will be proud of, that our people will be proud to live in and that won't become residential slums. Anything worth doing right is worth taking the time to do it.

**MOTION:** Motion by Goodlander, seconded by Kennedy, that the City Council adopt Resolution No. 07-047 approving an agreement with BBC Research & Consulting for the completion of a consolidated plan and analysis of impediments to fair housing choices and approve of a letter of intent to accept Community Development Block Grant Funds

**DISCUSSION:** Councilman McEvers wondered how far a government has to go to help people. Councilman Hassell commented that this gives the city a little more control over how the funds are used. Councilman Kennedy commented that philosophically it goes to what type of community we want to have and that doing nothing is not an option that he would want to take. He further commented that he would not want to live in Sun Valley or Ketchum where \$10.00 an hour workers have to drive for two hours to their jobs because they can't afford to live in town.

Councilman Goodlander stated that the city runs “lean” and we need to have faith that we will continue to run lean in what we do. She indicated that she doesn’t think that there will be a huge level of bureaucracy with this.

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

**“ART FOR CHILDREN”** - Agenda item withdrawn

**SOUND PERFORMANCE STANDARDS:** Councilman Goodlander stated that this issue arose out of discussions with a citizen who is dealing with loud sounds in her neighborhood resulting from the location of an industrial area near her home. The issue was discussed at a General Services Committee meeting and Councilman Goodlander asked staff if they would research the matter and see what other cities are doing.

MOTION: Motion by Goodlander, seconded by Hassell, that staff be directed to review/research this issue as outlined by Councilman Goodlander and direct staff to present a report of their findings to the General Services Committee at the earliest date possible. Motion carried.

**SEWER ALTERNATIVES FOR THE HAWK’S NEST AND LANDINGS**

**SUBDIVISIONS:** Councilman Reid commented that when the Hawk’s Nest and Landings subdivisions were approved by the city, they were allowed to build a certain amount of lots. The original intent was that the Huetter Road interceptor would eventually connect them to the sewer system. With the assistance of LCDC, the city has acquired right of way property that runs from Riverstone to the Hawk’s Nest subdivision. There is an opportunity to put a force main sewer line along that right of way, giving the Hawk’s Nest and the Landings next phases an opportunity to grow. In return for the force main and lift station, the developers will pave the right-of-way, and the trail will be returned for the use of the citizens. It is a win-win situation for the citizens of Coeur d’Alene. At such time as the Huetter interceptor does go through, it is just a matter of a line being run.

MOTION: Motion by Reid, seconded by McEvers, that Council approve the proposal to amend the Hawk’s Nest and Landings annexation agreements to allow for the construction, operation and maintenance of a temporary lift station and force main under terms to be negotiated by staff for approval by Council.

DISCUSSION: Councilman Reid stated that the proposal won’t cost the taxpayers anything. There may be a slight cost at the time that the developments connect to the Huetter interceptor. Councilman Kennedy stated that one of the benefits of the force main is that the pipe can be reused for other purposes when the developments are connected to the Huetter Interceptor. It is a creative solution.

Councilman Hassell asked if the developers would maintain the lift station. Mr. Gridley, City Attorney, stated that the city will maintain it but the developers will be paying for it. He further confirmed that the property is owned by the Centennial Trail Foundation, who is going to charge the market value for the easement. The money generated from that will be sufficient to pay for the trail.

Councilman Kennedy commented on the connectivity of that right of way in that a citizen will be able to get on his bike in any of the northern city neighborhoods and ride a paved trail to Riverstone. It is another way to get downtown.

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

### **RESOLUTION NO. 07-048**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A LETTER OF INTENT WITH FORD IRONMAN FOR THE COEUR D'ALENE TRIATHLON.

MOTION: Motion by Reid, seconded by Kennedy, to adopt Resolution 07-048 authorizing a Letter of Intent with Ford Ironman for the Coeur d'Alene Triathlon.

DISCUSSION: Councilman Hassell commented that the letter of intent is not the actual contract with Ironman. It is an intent to negotiate the contract. Negotiations will still need to be completed.

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

### **ORDINANCE NO. 3301 COUNCIL BILL NO. 07-1024**

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 (RESIDENTIAL AT 12 UNITS/ACRE) TO R-17 (RESIDENTIAL AT 17 UNITS/ACRE), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: AS A +/- .581 ACRE PARCEL AT 3313 NORTH 4TH STREET AND LEGALLY DESCRIBED AS THE EAST 200 FEET OF LOT 12, THOMAS ADDITION IN THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; 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: Motion by Hassell, seconded by McEvers, to pass the first reading of Council Bill No. 07-1024.

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

MOTION: Motion by Edinger, seconded by McEvers, to suspend the rules and to adopt Council Bill No. 07-1024 by its having had one reading by title only.

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

**ORDINANCE NO. 3302  
COUNCIL BILL NO. 07-1025**

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 (RESIDENTIAL AT 12 UNITS/ACRE) TO C-17 (COMMERCIAL AT 17 UNITS/ACRE), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- .321 ACRE PARCEL AT 1502 NORTH 3RD STREET AND IS LEGALLY DESCRIBED AS LOTS 7 AND 8, BLOCK 3, SIMM'S ADDITION IN THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; 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: Motion by Reid, seconded by McEvers, to pass the first reading of Council Bill No. 07-1025.

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

MOTION: Motion by Reid, seconded by McEvers, to suspend the rules and to adopt Council Bill No. 07-1025 by its having had one reading by title only.

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

**ORDINANCE NO. 3300**



## COUNCIL BILL NO. 07-1026

AN ORDINANCE DEANNEXING AND EXCLUDING PORTIONS OF SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN FROM THE CITY BOUNDARIES OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY AND DECLARING SUCH PROPERTY TO BE NO LONGER A PART OF THE CITY OF COEUR D'ALENE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING A SEVERABILITY CLAUSE.

MOTION: Motion by Hassell, seconded by Edinger, to pass the first reading of Council Bill No. 07-1026.

DISCUSSION: Councilman Hassell explained that when the Mill River development was annexed into the City, the well site for the City of Huetter was also accidentally annexed. This ordinance would give the well site back to the City of Huetter.

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

MOTION: Motion by Edinger, seconded by Kennedy, to suspend the rules and to adopt Council Bill No. 07-1026 by its having had one reading by title only.

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

**PUBLIC HEARING – ZC-5-07 – ZONE CHANGE AT 1003 E. BEST AVENUE:** Mayor Bloem read the rules of order for this public hearing. No conflict of interest was declared by any Council member.

Mr. Stamos, Senior Planner, gave the applicant's name as Rob McCarthy, location as an approximately 9,278 square foot parcel on the Northeast corner of Best Avenue and Honeysuckle Drive, and the reason for the request as a zone change to the new Neighborhood Commercial (NC) zone. Mr. Stamos went on to give the staff analyses for land use, zoning, utilities, and traffic/streets. He reported that on May 8, 2007 the Planning Commission heard the request for a zone change and recommended approval of the request. He further noted that 74 notices were mailed on June 1st, with three responses being received: one in favor, one neutral, and one with no comment. Mr. Stamos explained that the intent of the NC zone is to allow the location of enterprises that serve the immediately surrounding area and at a scale that is compatible with neighboring residential buildings.

Councilman Edinger asked about the uses of the property. Mr. Stamos replied that the owner is running a temporary employment agency out of the house. The owner started this process two years ago without getting a zoning change. The code enforcement officer has been working with the owner to get the property rezoned or have it moved

somewhere else.

**PUBLIC COMMENTS:** Rob McCarthy, 1003 E. Best Avenue, stated that he feels that this is a good location for the business. Councilman Edinger asked how many parking spaces will be needed. Mr. Stamos responded that for the use it would come out to three spots for the square footage of the building. He further stated that the next step will be to design the parking lot to comply with the parking ordinance, swale ordinance, and landscaping ordinance.

Councilman Kennedy stated that a neighbor had expressed concern about the large street trees on Best Avenue. Mr. McCarthy responded that he is not planning on taking the trees down, but wondered about the consequences if he did. Mr. Stamos stated that in the NC zone there is a requirement for a 10 foot wide buffer yard with trees anywhere that butts the residential zone. Mr. Stamos does not think that the city can force the homeowner to tear buildings down, and that the trees along Best Avenue are actually private trees on his property that are not under the control of the city.

Rick Currie, 2608 Honeysuckle, stated that the only concern he would have is that Best Avenue and Honeysuckle are very busy streets and that addressing the parking issue would be a concern. He has lived in his location for close to 35 years and thinks it is nice that homes can stay.

John Christofferson, 2109 Crestline Drive, stated that he owns the property directly behind the proposed zone change and it borders the garage and the building in the back. His wife owns homes located at 2602 and 2604 Honeysuckle. Mr. Christofferson is not against the zone change but would like to have a fence put up between the properties, preferably a 5' high wood or vinyl fence to block the views from the cars.

Mr. Stamos explained that the screening requirement for the NC zone is 15' evergreen trees at the time of planting, and no more than 25' apart. He stated that the Council could move to require a fence noting that there is an impact noted in the record. Councilman Kennedy asked if Mr. Christofferson's testimony was a part of the record so that the council could move to make the installation of a fence a condition. Mr. Stamos noted that it was.

Councilman McEvers asked about the buffer standard. Mr. Stamos noted that the applicant has the choice of a fence or a buffer. The standard was worked out in the development of the NC zone. The council can make a condition requiring something else.

**MOTION:** Motion by Edinger, seconded by Kennedy, to approve the requested zone change at 1003 E. Best Avenue and to adopt the Findings and Order of the Planning Commission, including the three conditions specified in the Findings and Order.

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

**PUBLIC HEARING – ZC-7-07 – ZONE CHANGE AT 1625 5<sup>TH</sup> STREET:** Mayor Bloem read the rules of order for this public hearing. No conflicts of interest were declared by Council members. John Stamos, Senior Planner, gave the staff report. Mr. Stamos gave the applicant's name as Michal Atteshis, location as an approximately 11,631 square foot parcel located at 1625 5<sup>th</sup> Street, and the reason for the request as a zone change to the new Neighborhood Commercial (NC) zone. Mr. Stamos went on to give the staff analyses for land use, zoning, utilities, and traffic/streets. He reported that on May 8, 2007 the Planning Commission heard the request for a zone change and recommended approval of this request. He further noted that 45 notices were mailed out with one being returned with no written response.

**PUBLIC COMMENTS:** Michal Atteshis, 1025 5<sup>th</sup> Street stated that he wants to tear down the old garage and build a 900 square foot new building as a commissary kitchen for catering food. Councilman McEvers asked what part of the use fits in with the NC zone. Mr. Stamos responded that it would fall under "retail" in the permitted uses. Mr. Atteshis stated that the business would be food take-out and that the house wouldn't be touched, just the garage. Mr. Stamos stated that the next step would be obtaining a building permit and site plan also. The site plan would need to be approved for parking, landscaping, swales, etc.

Mr. Atteshis indicated that there would be some seats in the building while people are waiting for their takeout. Councilman Kennedy asked about signage. Mr. Atteshis stated that there will be a sign. Mr. Stamos stated that in the design standards it says that signs shall not be internally lighted but may be indirectly lighted.

Mr. Atteshis confirmed that he lives at the property and that he will be serving Hawaiian food.

Councilman Hassell commented that the residential homes to the south would be impacted and that there is no requirement for a fence. He indicated that he felt that a site obscuring fence to the south of the property should be a condition due to the disruption to the residential neighborhood.

**MOTION:** Motion by Goodlander, seconded by Reid, to approve the requested zone change at 1625 5<sup>th</sup> Street and to adopt the Findings and Order of the Planning Commission.

**DISCUSSION:** Councilman Kennedy suggested an amendment to the motion to condition the approval with the requirement of a fence on the south side of the property.

**AMENDED MOTION:** Motion by Goodlander, seconded by Reid, to approve the requested zone change at 1625 5<sup>th</sup> Street and to adopt the Findings and Order of the Planning Commission, with the added condition of a minimum 5' high, 50% site obscuring fence on the south side of the property.

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

**EXECUTIVE SESSION:** Motion by Reid, seconded by Hassell, 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; and 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: Kennedy, Aye; McEvers, Aye, Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye. Motion carried.

The Council entered into Executive Session at 7:59 p.m. Those present were the Mayor, City Council, City Administrator, and City Attorney. Matters discussed were those of personnel and litigation.

No action was taken and the Council returned to regular session at 8:59 p.m.

**ADJOURNMENT:** Motion by Edinger, seconded by Hassell, that there being no further business, this meeting recess to June 28, 2007, at 12:00 noon in the Council Chambers with Mark Hinshaw, Consultant, and then recess to June 29, 2007, at 12:00 noon in the Council Chambers with Mark Hinshaw, Consultant, and then recess to July 2, 2007, at 1:00 p.m., in the Council Chambers.. Motion carried.

The meeting adjourned at 9:00 p.m.

---

Sandi Bloem, Mayor

ATTEST:

---

Amy C. Ferguson, Deputy City Clerk