

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
JULY 17, 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 July 17, 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)	
Mike Kennedy)	

Deanna Goodlander)	Members of Council Absent
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CALL TO ORDER: The meeting was called to order by Mayor Bloem.

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

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

PRESENTATION: "Riverstone Parkland Transfer": Doug Eastwood, Parks Director, made a presentation regarding the transfer of the newly completed Riverstone Park. The park will be dedicated to the City of Coeur d'Alene in about 48 hours (July 19th). Mr. Eastwood mentioned that there has been discussion regarding allowing for alcohol to be served in the Riverstone park during certain events such as weddings, and that the Riverstone Park is where they are receiving most of their requests for weddings, with one currently being scheduled for September. Mr. Eastwood further commented that the park will be open to the public on Friday and has been two years in the making.

Dave Tomson, Riverstone Development Manager with SRM Development, presented a rendering of the Riverstone Park and a recommendation that Riverstone donate this beautiful park to the City of Coeur d'Alene. Riverstone Park is a 4 acre park, complimented by a 6 acre lake. Due to the combined effort of the city's Building Department and Parks Department, 4.5 million cubic yards of unsuitable material were removed from the site to make it what it is today. The park and lake are easily accessible to all the residents of Coeur d'Alene and would not have been possible without assistance from the Lake City Development Corporation and tax increment financing. Amenities include an amphitheatre, six acre lake, a stream that feeds into the lake, a 40' fountain, rocks, jetty, kids play area, Centennial Trailhead, restrooms, parking stalls, BBQ center, and a design theme honoring our history of timber, mining, and railroad.

Councilman Reid stated that she has walked the park and it is absolutely magnificent. She thanked SRM Development for helping to achieve the park and for their dedication of the park to the city.

Councilman Edinger asked if there would be any boating allowed on the lake. Mr. Tomson stated that there are provisions for non-motorized boating, such as canoes, etc.

Mayor Bloem noted that the city would not be picking up the costs for all of the maintenance of the park. Mr. Tomson explained that for the first three years SRM Development will finance a certain amount of the maintenance.

Councilman Hassell commented that he feels that the Riverstone Park is a unique feature for Coeur d'Alene.

Mr. Tomson stated that the partnership that SRM Development had with the City of Coeur d'Alene and its staff was tremendous.

PRESENTATION: "Kroc Community Center Update": Mike Gridley, City Attorney, updated the Council on the status of the Kroc Community Center. As part of his presentation, he talked about challenges faced to receive this gift and the team that put it together. The opportunity came with quite a challenge – the Ramsey Pit. Mr. Gridley commented that the Ramsey pit was in places 25 – 40 feet deep.

Mr. Gridley introduced the "Kroc Team" members: Chris Beck, of All West Engineering, made sure that all of the material was put in the hole in a manner so that the building would not have any foundation problems. Steve Walker, the project manager on the site, checked to make sure it was all done correctly, and coordinated with Goebel Construction and the subcontractors. Terry Goebel, of Goebel Construction, with 32 years experience, was one of the competitive bidders with the Salvation Army for this project. Keith Dixon, Architects West and Landmark Landscaping, with 18 years of experience; Kevin Jester, Architects West, with 33 years of experience; and Dick Stauffer of Miller-Stauffer Architects, with 29 years experience, completed the team. They have also collaborated with a national architectural firm that is also leading the design of the center.

One of the challenges faced was testing and exploration of the pit. Mr. Walker stated that he came on board with the team in mid-November. The number one challenge in getting the building built was going to be getting the hole filled. The pit had sat vacant for quite a number of years and dumping had taken place. There were three components to the excavation project. First, materials on the site needed to be hauled off. Second, there were probably some materials on site that could be used as structural fill material. They would have to sift through that material and separate it to use on site, if cost effective. Third, structural fill would need to be imported. There was a scarcity of structural fill material in Coeur d'Alene. Mr. Walker's job was to procure the fill dirt. He received many leads from the community, but by mid-December all they had that was concrete

were a number of small donations.

Mr. Walker followed a lead at the airport and met with them on December 21, 2006. He further stated that they have been criticized by people who say they were offered structural fill material from the airport that they could have used on the site. Mr. Walker explained that that was not the case. They were offered boulders that would have had to be crushed. The free material would have cost \$4.00 a yard sitting in place at the airport before it was even hauled to the Kroc site. Hauling it to the Kroc site probably would have added another 5.00/yard. Additional costs incurred at the site would have increased the cost to about \$20.00/cubic yard. The decision was made not to use the airport fill because of the cost.

The city put out a bid to do some exploratory work on the site. They found that the site actually had more dumped material in it than they had originally thought. The city began to hear that perhaps there was a site available for fill dirt at Hawk's Nest. The Hawk's Nest site was an answer to prayer. It was a fantastic site for a number of reasons: First, it was only about 2.5 miles away from the Kroc site which would result in a quick turnaround for trucks. Second, it was connected to the Kroc site by an abandoned railroad. They could keep loads off the street and could also use scrapers. Third, they could get all of the fill material from one site. That meant that there wouldn't be multiple materials of differing quality and no issues of settling, etc. Fourth, they could fill the Hawk's Nest site with materials that were unsuitable for the building site but acceptable for a park.

Mr. Walker stated that he has been involved with construction for 28 years and has been involved in quite a number of large projects. He has never been involved in a project that is as efficient and well run as this project and the city should be very proud of the way its money was spent on this project.

Mr. Chris Beck stated that his firm was charged with making sure that the native soil was trustworthy and that the compaction was done correctly.

Mr. Terry Goebel discussed the decision to contract with ACI. He stated that his construction company had no prior relationship with ACI and the contract method was a tough one. They thought it would be better to do a lump sum contract because there were so many variables, and made the decision that the ACI proposal was the only one that would solve the problem.

Mr. Goebel presented a summary of the project: There were 11,826 scraper loads and 6,500 truck and pup loads to the Kroc site, and 8,982 scraper loads from the Kroc site in 45 days. The total cost of the project was \$2,994,293 with no change orders, and a total cost of material of \$2.71/cubic yard.

Mr. Beck commented that three things will be accomplished with this project: (1) the Kroc Center Construction, (2) an extension of the Centennial Trail, and (3) Hawk's Nest.

Mr. Dick Stauffer answered the question that has been asked about why we couldn't build a four story building and just put it in the hole. He explained that it was decided after discussions that the building needed to be a single level building with one common access. They wanted southern exposure for the recreation pool and main entry, and also wanted to protect the community wing from the noise on Ramsey Road. There was also a need to have a reasonable access off of Golf Course Road. If the building was dropped even with Golf Course Road they would create the minimum amount of fill that was needed but would also create all the site amenities that make this building work. In addition, they would need to be able to drive vehicles around the building at any given time.

Mr. Keith Dickson explained that from a landscape architect's point of view, the siting of the Kroc Center solved two things: (1) a minimum of fill dirt was needed, and (2) it created a site that was very unique. He stated that he is very comfortable with the final design.

Mr. Gridley commented that the team is very proud of the project in that it was completed (1) on time, (2) under budget, and (3) with a perfect safety record.

Councilman Kennedy stated that he would like to take the devil's advocate role and ask a few questions of the team. He asked who would be liable for any future issues with the Kroc Center building. Major John Chamness stated that the Salvation Army will own the site, will own the building, and will be responsible for this project. They will have the responsibility to take care of anything that goes wrong.

Councilman Kennedy asked why a project that was estimated at 1.1 million became a 3 million dollar project. Mr. Gridley stated that his understanding is that the building design increased in size and, in addition, nobody knew what was in hole. They took an optimistic view on quantities and, unfortunately, a lot of the material had to be removed.

Councilman Kennedy asked if ACI, the contractor, got a "sweetheart deal" on the project. Mr. Gridley stated that the numbers show that ACI had to haul more material than they estimated. Their cost for cubic yard to the city is unprecedented and you can't find it anywhere else.

Councilman Kennedy asked how the city was going to fill the hole left in Hawk's Nest and if it is going to come from the city taxpayers' pockets. Mr. Walker stated that the hole is being filled "as we speak." Within the next couple of weeks it will be filled. The refilling of Hawk's Nest was part of the 2.9 million cost for the project.

Mr. Gridley stated that a question has been asked about why the city didn't bid out the contract. He stated that the project was done pursuant to a contract with the Parks Foundation. The people who are on the foundation should be the ones directing how the site is prepared. They came to the council on February 20th and asked that 3 million dollars be given to the Parks Foundation to accomplish this task. They were to pursue a recreational facility for the community that would bring more than 3 million dollars in

benefits back to our city. After the money was transferred the city had no more involvement.

Councilman Kennedy stated that he heard it said that there was no vote. Mr. Gridley confirmed that there was a vote taken on February 20, 2007.

Councilman Kennedy commented that he was in attendance at the meeting at the airport in December and at that time there was great concern about the future of the project and it is amazing that they have gone from that time to now. He further stated that the city will be receiving a 34 million dollar building with a 30 million endowment for the trust fund, 100,000 square feet of pools, sport courts, meeting rooms, amphitheatre, computer rooms, exercise facilities, and parking for Ramsey Park. The only investment was 3 million dollars from the city, which we had promised to do during the grant process.

Mr. Gridley clarified that the city promised to provide a buildable site. He further commented that to build a swimming pool would be 3 Million Dollars at least. To build a parking lot would be about \$250,000.00. He further stated that as far as the Kroc project goes, the city is done – they don't have to put another nickel into it.

Councilman Kennedy stated that he has heard it said that this is not a gift because we had to pay some money for it. He asked about the Salvation Army philosophy on who will be able to use the facility. Major Chamness stated that from the beginning they have indicated that this center will be available to everyone, regardless of their means in life. That is a general practice in the Salvation Army. They have set aside a budget figure that will accommodate a number of families every year who will be able to access this facility at no cost.

Mayor Bloem stated that it has been said that they were asked to raise Six Million Dollars in this community privately before we could break ground. Some people felt that the Three Million Dollar cost for filling the Ramsey Pit was part of the Six Million Dollars. Major Chamness confirmed that Six and One-half Million Dollars have been raised for the facility and that the Three Million Dollars was not a part of the fund-raising effort.

Mayor Bloem asked what percent of the facility is a chapel. Major Chamness responded that the majority of the building is the recreational side and that just a little more than 10% of the total building will be used for the chapel. Mr. Gridley commented that the city's agreement specifically provides that no one will be exposed to religious activities if they don't want it. They will not be proselytized or accosted. If they want to take advantage of the spiritual side, it is there.

Councilman Hassell commented that in the early 80's, the city was looking at remodeling two schools on 7th Street as a community center. The cost at that time was Three Million Dollars.

Mayor Bloem clarified that Three Million Dollars was transferred to remediate the site, but that the Lake City Development Corporation contributed One Million Dollars. Mr.

Gridley stated that LCDC helped the city buy the site originally. The city paid LCDC back when they transferred the property to the Parks Foundation. In exchange for the transfer, the Parks Foundation gave the city the site for the future Landings Park.

Councilman McEvers asked where the Three Million Dollars came from. Mr. Tymesen, Finance Director, responded that the money came from the Fund Balance, which is an accounting term used for money that we have in excess of our budget. It is designed to assist when our cash flows don't meet our expenses. A fund balance is recommended by the Idaho Finance Officers Association and the State of Idaho. Councilman Reid asked if the city is required by its auditors to carry a fund balance. Mr. Tymesen responded that if the city did not carry a fund balance they would not be doing a good job of running this organization and would be written up by its auditors for not having adequate funds to cover expenses. The city would also not have received the rating they received from our investors.

Councilman Reid confirmed that the expenditure for the remediation of the Kroc site would be seen on the records when the budget is amended. Mr. Tymesen stated that the city does an amended budget once a year and, in addition, publishes a quarterly statement in the newspaper. The budget amendment will be approved by the council.

Councilman Hassell stated that a lot of people are confused by the fund balance and likened it to a personal checking account where you hold onto money until the bills come in. Mr. Tymesen responded that during the months of October, November and December, before the property taxes come in, the fund balance is used to cover expenses.

Mr. Gridley stated that if anyone has any questions regarding the Kroc Center, they are welcome to contact him.

PUBLIC COMMENTS:

KROC CENTER: Larry Spencer of Spirit Lake, commented that the Kroc presentation was very informative and that he is not opposed to the Kroc Center. His concern is for the tax payers if the center does not reach its membership goals. According to the Salvation Army site membership fees for a family of four is \$625.00 a year. In North Idaho a lot of people would simply not join instead of asking for financial assistance. He is concerned that the Salvation Army could come back with a request for additional partnering using taxpayer dollars. He also questioned whether the hole really needed to be filled, and why. He also asked for an independent accounting and is asking that the city consider hiring a small independent auditing company to answer questions and assure the public. He also expressed his opinion that the fund balance is money that has been over-collected.

ABANDONED VEHICLE: Roy Wargi, 2022 Coeur d'Alene Avenue, commented that there has been a vehicle between Sherman and Lakeside for several days before a ticket was put on it. The vehicle is heading the wrong direction and is at least 4 feet from the curb. It has no door and no license plate. A ticket was placed on the car for removal

within 48 hours but it has now been over 120 hours. He called the Police Department and was told that these things take quite awhile. He would like the vehicle removed because it is a hazard. Chief Carpenter stated that the vehicle would be removed tomorrow.

Mr. Wargi also stated that he is concerned about safety and the need for more crosswalks at 21st and Coeur d'Alene.

COUNCILMAN EDINGER EXCUSED HIMSELF FROM THE MEETING.

CONSENT CALENDAR: Motion by Reid, seconded by Kennedy, to approve the Consent Calendar as presented, with one correction to the July 2nd minutes correcting the list of attendees and substituting Mike Kennedy's name in for Ben Wolfinger, and including an additional Item #6 on the Consent Calendar.

1. Approval of minutes for June 28, June 29, July 2, July 3, and July 10, 2007.
2. Setting the Public Works Committee and General Services Committee meetings for July 23, 2007 at 4:00 p.m.
3. RESOLUTION 07-050: 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 WITH CHIPMAN MOVING AND STORAGE COMPANY FOR THE TRANSFER OF LIBRARY FURNISHINGS TO THE NEW LIBRARY; APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH NORTH IDAHO COLLEGE FOR THE USE OF EQUIPMENT FOR CPR AND FIRST AID TRAINING; APPROVAL OF S-6-05 - FINAL PLAT APPROVAL WITH SUBDIVISION IMPROVEMENT AGREEMENT FOR COEUR D'ALENE PLACE, 16TH ADDITION AND APPROVAL OF AN AGREEMENT WAIVING OPPOSITION TO ANNEXATION WITH JOSEPH HARRISON FOR LOT 10, BLOCK 3 OF NOB HILL.
4. Approval of Bills as Submitted
5. Approval of Cemetery Lot Transfer from John Deitz to Lois Calkins.
6. Approval of Beer/Wine License for Azteca Grill in Riverstone.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN REID - Councilman Reid commented that the city has received its second park this summer that was donated to the citizens of Coeur d'Alene – the Johnson Mill River Park and Riverstone Park. We have also have seen the extension of the trail system with five more miles of trail going northwest. The new library will be opening in 6 to 7 weeks and we will have a 65 Million Dollar Kroc Center. She thanked the citizens of Coeur d'Alene for their support in these endeavors and also thanked the citizens who work on the various city committees.

COUNCILMAN HASSELL – Councilman Hassell stated that they have been planting trees and working on the sprinkler system in the North Pines Park and encouraged the citizens to go out and take a look at it. It will be a big addition to the community.

COUNCILMAN MCEVERS – Councilman McEvers stated that the new Mayor’s show will be starting to air on CDA TV Channel 19. They did a show on Strategic Planjning – how the council and staff figure out their priorities. It is an interesting process. At the end of the program there is an announcement that citizens can go to the city web site and ask questions about the budget. The idea is to try and get some input from citizens.

COUNCILMAN KENNEDY – Councilman Kennedy thanked the contractors who have worked on the Ramsey Road project and stated that the project was well done.

MOTION: Motion by Kennedy, seconded by Hassell, to appoint Les Garretson to the Jewett House Advisory Board, Rolly Jurgens and Shelly Servick to the Parking Commission, and Peter Luttropp to the Planning Commission.

Motion carried.

RESOLUTION NO. 07-051

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO AMENDING THE CITY OF COEUR D’ALENE PERSONNEL RULES MANUAL BY AMENDING TO AMEND **RULE 1, SECTION 14, ENTITLED “DEPARTMENT HEADS”** TO UPDATE THE RULES APPLICABLE TO DEPARTMENT HEADS, AND TO AMEND **RULE 1, SECTION 15, ENTITLED “FLSA EXEMPT EMPLOYEES”** TO AMEND SECTION 6 TO BE ENTITLED PROMOTIONAL APPOINTMENTS TO POSITIONS AND TO CLARIFY THE MAXIMUM PAY INCREASE; AND TO AMEND **RULE XXII, ENTITLED “POLICE PAYBACK POLICY”** TO CLARIFY WHAT ITEMS SHALL BE INCLUDED IN THE REIMBURSEMENT AND TO AMEND THE TIME FRAME TO TWO AND A HALF YEARS FROM THE DATE OF HIRE RATHER THAN FROM COMPLETION OF THE FIELD TRAINING PROGRAM, AND TO REMOVE THE SPECIFIC DOLLAR AMOUNT FROM THE RULE AND REQUIRE IT BE INCLUDED IN THE PAYBACK AGREEMENT; ADDITIONALLY, TO AUTHORIZE THE BELOW NOTED AMENDMENTS TO THE CITY’S CLASSIFICATION AND COMPENSATION PLAN.

STAFF REPORT: Renata McLeod, Project Coordinator, presented the staff report. She stated that the Resolution included a couple of housekeeping amendments to the Personnel Rules, and amendments to the sections regarding promotional appointments, department heads, and police pay back policies. There was also one pay classification amendment in the library due to some reorganizations that took place.

MOTION: Motion by Reid, seconded by Kennedy, to adopt Resolution 07-051.

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

PUBLIC HEARING – ZC-8-07 – ZONE CHANGE AT 1401 N. 3RD STREET:

Mayor Bloem read the rules of order for this Quasi-Judicial public hearing. John Stamos, Senior Planner, gave the staff report.

Mr. Stamos gave the location as a 5500 square foot parcel at 1401 N. 3rd Street, on the northwest corner of Walnut and Third Street, and the reason for the request as a zone change from R-12 (residential at 12 units per acre) to NC (Neighborhood Commercial).

Mr. Stamos went on to give the staff analyses for land use, zoning, utilities, and traffic/streets. He reported that on June 10, 2007 the Planning Commission heard the request for a zone change and recommended approval of this request by a 5/0 vote. He noted that 50 notices of this public hearing were mailed to all property owners of record within 300' of the subject property on June 29, 2007, with one response in opposition being received.

Mr. Stamos stated that this is a transition area. Third and 4th Streets are designated as high intensity corridors in the Comprehensive Plan.

PUBLIC COMMENTS:

The applicant, Jeffrey Block, 112 East Hazel Avenue, stated that in his opinion the neighborhood is in transition from residential to commercial due to the traffic and buildings being constructed further north. In the last five years there has been a real change in identity. At a future date he would like to remodel the building into a commercial office building.

MOTION: Motion by McEvers, seconded by Reid, to approve the requested zone change at 1401 N. 3rd Street and to adopt the Findings and Order of the Planning Commission.

DISCUSSION: Councilman Kennedy stated that the NC zone does restrict the size and the business permitted and that he feels it is an appropriate transition.

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

PUBLIC HEARING – ZC-9-07 – ZONE CHANGE AT 4040 AND 4082 N. PLAYER

DRIVE: Mayor Bloem read the rules of order for this Quasi-Judicial public hearing. John Stamos, Senior Planner, gave the staff report.

Mr. Stamosos gave the location as a 34,456 square foot parcel located on the southeast corner of Player Drive and Lopez, and the reason for the request as a zone change from R-8 (residential at 8 units per acre) to CC (Community Commercial).

Mr. Stamosos went on to give the staff analyses for land use, zoning, utilities, and traffic/streets. He reported that on June 10, 2007 the Planning Commission heard the request for a zone change and recommended approval of a change of zoning to NC (Neighborhood Commercial) by a 3/2 vote. He noted that 58 notices of this public hearing were mailed to all property owners of record within 300' of the subject property on June 29, 2007, with four responses in opposition being received. Written comments were distributed for Council review.

Mr. Stamosos stated that the Comprehensive Plan shows the area as a transition area. The applicant is requesting a Community Commercial zoning. At the planning meeting there was discussion about which zoning was appropriate for this location. Mr. Stamosos explained the differences between the Neighborhood Commercial and Community Commercial zoning designations.

Councilman Kennedy asked which of the two zoning designations would generate the most traffic. Mr. Stamosos responded that if you look at the maximum floor area permitted for the two zones, the Community Commercial zone would probably generate the most traffic; however, it would depend on what the use is.

PUBLIC COMMENTS:

Ray Kimball, 2104 Columbine Court, Post Falls, representing the applicant, mentioned that the staff report stated that the entire block is currently zoned C-17, and thinks that it is a very important statement. It is the start of a little commercial node that fits within the Comprehensive Plan. In regard to the issue of traffic, there are multiple studies where there is a correlation between living/work communities. The studies show that it reduces the traffic as people have a tendency to walk to work. There is a benefit to the neighborhoods and a benefit to the community as a whole.

Mr. Kimball stated that he believes a Community Commercial zoning is more appropriate because the size of the parcels and the restrictions placed upon the Neighborhood Commercial zone will restrict the size of the building.

Dave Pratt, 4041 N. Player Drive, stated that he would like to see the neighborhood stay as it is and would prefer duplexes rather than commercial.

Eva Pratt, 4041 N. Player Drive, did not wish to testify but wanted to go on record as being opposed to the zone request.

Jim Koon, 6200 18th Street, Dalton Gardens, stated that it is their intention to build two small office buildings. The applicant owns the land to the east which is zoned C-17. Other examples in town all seem to work. The Community Commercial zone change

seems natural to them and the Neighborhood Commercial zoning would be difficult for them because of the limits on the hours of operation.

Joe Drobnock, 1817 W. Norman Avenue, stated that he was at the Planning Commission meeting and that he doesn't think the public notices really tell you what is happening. He expressed his concerns regarding traffic on Kathleen, Player, and Lopez, and his belief that the two lots in question are the last buffer between the commercial areas. In addition, Mr. Drobnock stated that there are children that play in that area of Player and that people driving to businesses located on those lots would not be used to the neighborhood and wouldn't be as careful.

Mr. Stamos reminded the Council that in zone change hearings most of the time you don't know the proposed use of the property. That is why you have to look at what is permitted in a zoning district and make a determination in your own mind if it is an appropriate zoning for that location.

Mr. Drobnock stated that he would not be opposed to a recommendation of a Neighborhood Commercial zone.

REBUTTAL: Mr. Kimball stated that with the parking ratios required in the Community Commercial zone, it would not be possible to do a 20,000 square foot building. They feel that the Community Commercial zoning is more appropriate because the ratios allowed fit the actual piece of property better than the Neighborhood Commercial zone.

Mr. Kimball further stated that he lives on a street with a lot of rentals. As is typical with a lot of rentals, maintenance in the front yard is not very nice or is hidden. In today's market we have a strong need for small commercial offices. The landscaping would be nice with treed buffers as required for this type of zoning.

Mr. Stamos explained the floor area ratio requirement of the Community Commercial zone. You would take the size of the lot and multiply the number one by the square feet. That would be the size of the building that you could construct on that site, which would include the basement and all of the floors. He also explained that the parking requirement in both the Neighborhood Commercial and Community Commercial zone is three spaces for every 1,000 square feet of building.

Councilman Reid indicated that it bothers her to have the fronts of those houses be looking at the commercial businesses. Mayor Bloem stated that she felt that it might not be a good thing to keep the zoning at R-8 and have the future homes be abutting the C-17L zoning.

MOTION: Motion by Hassell, seconded by McEvers, to deny the applicant's request for a Community Commercial (CC) zone and direct that staff prepare the findings.

DISCUSSION: Councilman Kennedy indicated that he felt that the slope going down the property would make it a bit of a buffer for the residential area. He further stated that he

didn't know what would be more protective of the neighborhood in that there is an argument that a Neighborhood Commercial zoning, done well, could be a good neighbor. He indicated that he was not sure if he has heard enough public comment on the issue.

Mr. Stamos discussed the notification process in that all property owners within 300 feet are notified 15 days prior to the hearing. In that zoning notification it says zone change from R-8 (Residential at 8 units per acre) to NC (Neighborhood Commercial). Also, there is a sign posted on the property a week prior to the hearing.

ROLL CALL: Hassell, Yes; Kennedy; No; McEvers, No; Reid; No. Motion failed.

MOTION: Motion by Reid, seconded by McEvers, to approve a zone change to NC (Neighborhood Commercial) at 4040 and 4082 N. Player Drive and adopt the Findings and Order of the Planning Commission.

DISCUSSION: Councilman Kennedy stated that he felt changing the zoning designation to Neighborhood Commercial was a good compromise. Councilman Hassell stated that there are no guarantees as to what the developer will do with the property. Councilman Reid stated that she feels that they have a little bit more control because of the design standards in the two commercial zones.

Mr. Stamos mentioned that in both zoning districts there is an additional protection that says that any other uses that the planning director determines are not in conformance with the purpose and intent of the district can be denied by the planning director.

ROLL CALL: Kennedy; Yes; McEvers, Yes; Reid, Yes; Hassel, No. Motion carried.

PUBLIC HEARING: APPEAL OF A DENIAL OF TREE REMOVAL AT 314 N. 11TH STREET: Mayor Bloem read the rules of order for this Legislative Public Hearing. Karen Haskew, Urban Forester, presented the staff report. She indicated that the applicant is requesting a tree growing underneath the power lines on 11th Street be removed. It is an unusual looking tree because of the pruning. The reasons that the applicant gave is that the tree continues to grow into the power lines and that the growth is causing some sidewalk disturbance. The Urban Forestry Committee reviewed the request and, in general, they found the tree to be in good condition. The planting spot is not sufficiently away from the power lines so that if it was replanted with a tree that was a significant size it would still need to be pruned. Ms. Haskew further explained how the committee goes about making a decision in regard to a request to remove a tree. If the committee does not agree on a decision, they meet together to discuss the issues. If they continue to disagree, Ms. Haskew takes an average of the scores on the forms that the committee members fill out.

PUBLIC COMMENTS:

The applicant, Marvin Kelly, 314 N. 11th Street, stated that he doesn't think anyone's trees on 11th street are growing all over their house. The tree is also starting to heave up

the sidewalk. Mr. Kelly is concerned because the city will not take care of the sidewalk problem but won't let him take down the tree. He can't afford to keep the tree and get it professionally trimmed since he is on a fixed income.

Discussion ensued regarding the cost of pruning a tree. Ms. Haskew stated that Avista does have a program where they come around every five or 6 years and prune the trees under the power lines, but they will not do additional pruning.

Councilman McEvers confirmed that the city no longer puts public trees under power lines that will grow to the size of the ash tree. Ms. Haskew stated that if a tree were planted now it would have to be selected from a list of small stature trees. Councilman McEvers confirmed that a new tree planted under the power line would have to be 25 feet or less at maturity.

MOTION: Motion by Reid, seconded by McEvers, to grant the appeal of a denial of tree removal at 314 N. 11th Street, and allow the applicant to remove the tree as requested.

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

EXECUTIVE SESSION: Motion by Reid, seconded by McEvers, to enter into Executive Session as provided by Idaho Code 67-2345 SUBSECTION C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property not owned by a public agency; 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; Hassel, Aye. Motion carried.

The Council entered into Executive Session at 9:46 p.m. Those present were the Mayor, City Council, City Administrator, and City Attorney. Matters discussed were those of labor negotiations and litigation.

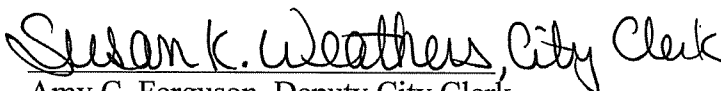
No action was taken and the Council returned to regular session at 10:00 p.m.

ADJOURNMENT: Motion by Kennedy, seconded by Hassell, that there being no further business, this meeting adjourn. Motion carried.

The meeting adjourned at 10:01 p.m.


Sandi Bloem, Mayor

ATTEST:


Amy C. Ferguson, Deputy City Clerk