

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL  
AUGUST 1, 2006**

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 August 1, 2006 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	)	
Ron Edinger	)	
Deanna Goodlander	)	

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

**INVOCATION** was led by Tom Weadick, Vineyard Christian Fellowship.

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

**PUBLIC COMMENTS:**

**LIBRARY PRESENTATION:** Kathleen Saylor, 1102 Ash, presented Renata McLeod with a gift from the Library Board of Trustees for her assistance as Project Coordinator in the new Library facility project.

**CERTIFICATE RECEIVED FROM U.S. ARMY RESERVE:** Staff Sergeant Ryan Couch presented the Mayor and City Council a Certificate of Appreciation for their support of the 169<sup>th</sup> Battalion out of Post Falls, which has been deployed to Iraq.

**BLACKWELL ISLAND ANNEXATION AGREEMENT:** Julie Delsaso, 743 Fairmont Loop, read a resolution from the City of Spokane that requested a view shed ordinance. She expressed her concerns of the LPUD that has been approved for Blackwell Island and asked that the Council consider this type of regulation.

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

1. Approval of minutes for July 18, 2006.
2. Setting the Public Works Committee and General Services Committee meeting for August 7, 2006 at 4:00 p.m.
3. RESOLUTION 06-050: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR

FINAL PLAT APPROVAL AND ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR FRENCH GULCH SUBDIVISION, WITH STEVEN D. WIDMYER WHOSE ADDRESS IS 1319 ASH AVENUE, COEUR D' ALENE, IDAHO 83814.

4. SS-9-06 - Final plat approval of Cedar Chalet Condominiums.
5. Authorizing the purchase of a Street Department Pickup Truck.
6. Approval of alcoholic beverage licenses for: beer license for Wingstop located next to Big Lots; beer/wine license for Best Food Stop at 1001 E. Best Avenue; transfer of beer/wine license for Fiesta Mexicana

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

#### **COUNCIL ANNOUNCEMENTS:**

**DOWNTOWN ACTIVITIES:** Councilman Reid encouraged everyone to come Downtown and enjoy the annual events of Art on the Green, Taste of Coeur d'Alenes and Street Fair this weekend.

**CITY MASTER PLANNING:** Councilman Hassell announced that the Parks Department will have a booth at the "Taste of Coeur d'Alene" for citizen input into the master planning for City parks.

**PUBLIC ART PROPOSALS RECEIVED:** Councilman Goodlander announced that the Arts Commission received proposals from 18 artists throughout the country for artwork to be on the McEuen side of the Library and also inside the Library facility.

**PASSINGS:** Councilman Kennedy announced that one of the founders of Art on the Green, Pat Flammia, passed away this weekend.

**APPOINTMENT – CEMETERY ADVISORY BOARD AND STUDENT REPRESENTATIVES:** Motion by Edinger, seconded by Hassell to appoint Less Shellman to the Cemetery Advisory Board and to appoint the following student representatives: Erin Elisabeth Yost and Ashley Sampson - Arts Commission; Brianna Moore - CDA TV Committee; Andrew Prohaska - Cemetery Advisory Board; Kytrina Vangutman and Lesha Owens - Childcare Commission; Ali Johnson and John Sonnen - Ped/Bike Committee; Annie McCloskey - Planning Commission; Aaron Johnson and Elisabeth St. John - Parks & Recreation Commission; Kelly Clauson - Sign Board; Rebecca Lobato - Urban Forestry Committee. Motion carried.

**FAIRHOUSING AND ADA/504 TRANSITION PLANS:** Project Coordinator, Renata McLeod gave a power point presentation on the analysis and transition plans for the City's Fair Housing and ADA/504 requirements. Motion by Goodlander, seconded by Edinger to adopt the Analysis and Transition Plan for Fair Housing and the ADA/504 Transition Plan. Motion carried.

RESOLUTION NO. 06-051

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A CLOSEOUT AGREEMENT AND FINAL PERFORMANCE REPORT WITH IDAHO COMMERCE AND LABOR (ICL).

Motion by Hassell, seconded by Kennedy to adopt Resolution 06-051.

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

**BID SPECIFICATIONS - NORTHEAST WATER PRESSURE ENHANCEMENT PROJECT:** Terry Pickel, Assistant Water Superintendent, presented the proposed specifications for the Water Pressure Enhancement project for the Northeast quadrant of the City. Motion by Goodlander, seconded by Edinger to approve the specifications and authorize staff to advertise for bids for the Northeast Water Pressure Enhancement Project. Motion carried.

**TRAFFIC SCHOOL PROGRAM:** Ann Eckhart and Officer Nick Knoll presented the proposed traffic school program. Motion by Edinger, seconded by Goodlander to authorize the establishment of a traffic school hosted by the Coeur d'Alene Police and designed to better educate traffic law violators. Motion carried.

RESOLUTION NO. 06-040

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ANNEXATION AGREEMENT WITH THE MARINA YACHT CLUB, L.L.C. BY HAGADONE HOSPITALITY CO.

**DISCUSSION:** Deputy City Attorney Warren Wilson reported that he had been told by the attorney for the Hagadone Corporation that if John Stone offered a boat slip then Hagadone Corporation will not offer a boat slip and as for the width of the bike path, they will not agree to expanding the width to 10 feet along the riverfront portion.

Councilman McEvers asked if John Stone paid the \$100,000 plus provided a boat slip, would the Hagadone Corporation offer any more money. Warren Wilson noted that the applicant would not pay additional funds. He also noted that the verbal response received today from Hagadone Corporation was not included in the agreement presented tonight. In regard to the trail system, Mr. Wilson noted that there is no specific width noted on the proposed plan.

Councilman Edinger asked if the Hagadone Corporation has accepted John Stone's offer. Mr. Wilson responded that he only has the verbal response from their attorney which did not refer to John Stone's offer.

Councilman Reid commented that there are a lot of benefits to the citizens of Coeur d'Alene including the development of a master sewer plan, emergency water ties, and relocation of water mains; and since all the streets are private the City does not have to maintain them. Additionally, the annexation fee is approximately \$155,805. The public receives a public path along the riverfront including portions on public property with no cost to the citizens. All these benefits come down to an issue over 2 feet of difference between an 8-foot path and a 10-foot path. She noted that PUD's allowed for variances to city standards.

Councilman Goodlander asked for a review of the bike path standards. Warren Wilson noted that the actual requirement is in the Comprehensive Plan which is a policy and for bike path widths to be mandated it would need to be adopted as an ordinance. So the requirement for a 10-foot path is somewhere between a policy and an ordinance but is considered a standard. Councilman Goodlander asked Warren Wilson if the sidewalk around the new Library is considered part of the Centennial Class I Trail. He responded yes. Councilman Goodlander then asked what was the width of the new sidewalk around the Library. Mr. Wilson responded that at its narrowest point, due to utility poles, it was 9'3". Councilman Goodlander remarked that the City is not following their own standards for a Class I Trail.

Councilman McEvers then noted that as part of the requested annexation fees, consideration was made for the use of a boat slip. However, the Hagadone Corporation has put such restrictions on this boat slip that the City no longer wants the boat slip, which has to be of some value and he believes that this value should be added to the annexation fee. Warren Wilson explained that the fee established is being presented to see if the Council feels that this is a fair and equitable fee and that the boat slip issue is a separate part of the annexation agreement.

Councilman Hassell noted that although John Stone may have offered a boat slip, the offer is not part of this agreement and there is no guarantee that the City would receive it. Councilman Edinger asked why won't the Hagadone Corporation make the path 10 feet along the river when the rest of the path throughout this facility is 10 feet. Warren responded that he cannot specifically state why they only did 8 feet on the river portion but suggested it might be to slow traffic down along the river.

Councilman Edinger noted that in the beginning it was called a "bicycle path" at 8 feet, then City stated the standard was 10 feet and now the developer is calling it a "walking path". In response to Councilman Goodlander's previous comments, City Administrator Gabriel explained the rationale behind the sidewalk around the new City Library facility.

Councilman Kennedy noted that he received a letter from Idaho Transportation Department regarding the traffic on U.S. 95. Warren Wilson noted that at this point it is premature to know what the impact is until the development plans have been completed at which time impact on traffic would be reviewed. Councilman Kennedy asked why the counter offer made the use of the boat slip more restrictive when the City had asked to allow other government agencies such as the County or Forest Service use of this slip. Mr. Wilson responded he did not have an answer to why they changed the use of the boat slip.

**MOTION:** Motion by Hassell, seconded by Edinger to deny the annexation agreement as presented.

**DISCUSSION:** Councilman Hassell believes that the negotiations and the counter offer had diminished and believes, if approved, that this would be a detriment to the citizens of this community. He also believes that without the boat slip the annexation fees would be \$100,000 more than what is being presented.

Councilman McEvers noted that Councilman Reid had listed a lot of items that are beneficial to the City; however, he has a concern regarding the boat slip as the boat slip had value when determining the initial annexation fee, so when we give up the boat slip we should be receiving more in the annexation fees.

Councilman Edinger noted that although the Hagadone Corporation always does a great job with their developments, we need to treat everyone equally and if there is a set standard, then that standard should be upheld for everyone.

Councilman Reid noted that we have a signed letter from John Stone that he will provide the City with a boat slip and additionally he is willing to pay the \$100,000 difference for this annexation agreement. She reiterated the benefits that the public will receive with the annexation agreement including the use of a waterfront trail.

Councilman Goodlander commented that the issue of the trail may not be a deal breaker but other issues such as a hazardous dump site which will need to be cleaned up with this annexation and development. Additionally, with only one water line crossing the river to the residents on Blackwell Hill, this agreement provides a backup system which will insure water to these residents at no cost to the citizens. She also noted that since the boat slip is in the John Stone letter we are not losing a boat slip. Councilman Edinger noted that the landfill was not on this side of Blackwell Island where this development is being proposed.

Councilman Kennedy cannot understand why this boat slip cannot be used by other government entities. He also believes that the renegotiations have been one-sided and he is disappointed in the results of the renegotiations. He questioned that, with as many questions regarding traffic flow, Corp of Engineers issues and DEQ issues, why are we proceeding with this agreement. He would rather see this issue be continued

until some of these issues or questions could be answered. He noted that he knows that this is a setback for John Stone's development and sees that as an unfortunate fallout of this issue.

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

Mayor Bloem noted that the citizens had pushed hard for the requirement of 40-foot shoreline regulations, which with this PUD they are given the privilege of not adhering to these regulations. She believes that there is a very fine balance between public good vs. developer benefits. She also believes that the offer of \$100,000 and a boat slip is not legally binding as it is not part of a signed agreement by John Stone.

Motion carried with the Mayor voting in the affirmative.

ORDINANCE NO. 3263  
COUNCIL BILL NO. 06-1019

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING UNDEVELOPED RIGHT-OF-WAY IN THE WOODLAND ESTATES SUBDIVISION, RECORDED IN BOOK "F" OF PLATS, PAGE 291/291A, RECORDS OF KOOTENAI COUNTY, COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN; GENERALLY DESCRIBED AS THAT THIRTY FOOT (30') WIDE STRIP ADJOINING THE WESTERLY BOUNDARY OF LOT 17, BLOCK 1 OF SAID WOODLAND ESTATES SUBDIVISION; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by Edinger to pass the first reading of Council Bill No. 06-1019.

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

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 06-1019 by its having had one reading by title only.

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

**ADJOURNMENT:** Motion by Edinger, seconded by Reid that this meeting be recess to August 3, 2006 at 5:15 p.m. Motion carried.

The meeting recessed at 7:57 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, CMC  
City Clerk