

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL  
SEPTEMBER 6, 2005**

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Hall September 6, 2005 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

**INVOCATION:** The invocation was led by Tim Remmington.

**PLEDGE OF ALLEGIANCE:** The pledge was led by Councilman Wolfinger.

**PROCLAMATION – PEACE DAY:** Councilman Wolfinger, on behalf of Mayor Bloem, read the proclamation proclaiming September 21st as Peace Day in the City. Mark Cochran accepted the proclamation and asked all citizens to live a life of peace.

**PROCLAMATION – KIDS DAY AMERICA/INTERNATIONAL:** Councilman McEvers, on behalf of Mayor Bloem, read the proclamation proclaiming September 17th as Kids Day America/International in the City. Dr. Brian Norce accepted the proclamation.

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

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

1. Approval of minutes for August 16, 2005.
2. Setting the Public Works Committee and General Services Committee meeting for September 12, 2005 at 4:00 p.m.
3. RESOLUTION NO. 05-61 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 FIRE TRAINING BURN AGREEMENT WITH JUSTIN STORMOGIPSON AT 302 S. 13<sup>TH</sup> STREET;

APPROVAL OF S-4-03 ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR THE LANDINGS AT WATERFORD, 2<sup>ND</sup> ADDITION; APPROVAL OF S-4-05 FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT FOR RIVERWALK SUBDIVISION; APPROVAL OF S-2-95 FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TOWNHOME CONDOMINIUMS, 4<sup>TH</sup> ADDITION; APPROVAL OF THE ANNUAL AUDIT SERVICES WITH MAGNUSON MCHUGH AND COMPANY; APPROVAL OF AN ENCROACHMENT PERMIT AGREEMENT WITH SANDRA AND MARK BECHTHOLD FOR THE PLACEMENT OF FLOWER POTS ON THE SIDEWALK IN FRONT OF SHABBY TO CHIC SHOPPE AT 806 N. 4<sup>TH</sup> STREET; APPROVING THE LIBRARY'S REQUEST TO DECLARE CARD FILES AS SURPLUS PROPERTY; AWARD OF BID AND APPROVAL OF A CONTRACT WITH L & L CARGILE, INC. FOR THE STORMWATER REPLACEMENT PROJECT.

4. Acceptance of bid for Wildland Firefighting Engine.
5. Setting of Public Hearings for ICDB grants for 4<sup>th</sup> Street and W. Seltice Way for October 4, 2005.
6. Approval of transfer of beer/wine license for Coffeerville to Atelier, LLC
7. Approval of cemetery lot transfer from Margaret Gipson to Marlene Bentham.
8. SS-12-05 – Approval of final plat for Coeur d'Alene Homes.

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

**SCHOOL'S IN SESSION:** Councilman Wolfinger reminded residents to slow down while driving and be alert to students traveling to and from school.

**EMERGENCY OPERATIONS:** Councilman McEvers, referring to the recent devastation in the South from the hurricane, asked Chief Gabriel what would happen if such an event happened here. Chief Gabriel presented the Kootenai County Emergency Operations Plan. He assured the Council that this document is a wonderful base for dealing with almost any emergency situation for our community. Councilman Wolfinger noted that only the Governor could order an evacuation.

**FALL LIBRARY ACTIVITIES:** Councilman Goodlander announced that the Library's Fall programs include scrap booking classes designed mainly for teens and Book Babies.

**EAST SIDE HIGHWAY DISTRICT LEVY INCREASE:** Council President Reid announced that the East Side Highway District, and in particular those city residents residing in this district will be asked in November to vote on an increase in the Highway District's levy rate. She noted that the District has held their levy rates to a point where it is extremely difficult to maintain the existing roadways as well as keeping up with the increased growth; she believes that the increase is needed and supports their efforts to

increase their levy rate. Councilman Edinger announced that he is also in support of this levy increase.

**APPOINTMENTS TO PLANNING COMMISSION, PARKING COMMISSION AND ARTS COMMISSION:** Motion by Goodlander, seconded by Wolfinger to appoint Ryan Hill to the Planning Commission, Shelly Servick-Frampton to the Parking Commission and Iris Siegler to the Arts Commission. Motion carried.

RESOLUTION NO. 05-062

A RESOLUTION OF THE CITY OF COEUR D'ALENE, OF KOOTENAI COUNTY, IDAHO, SETTING FORTH ITS OFFICIAL INTENTION TO ACQUIRE CERTAIN REAL PROPERTY FOR USE IN THE LATER CONSTRUCTION OF A CITY FACILITY THEREON; AUTHORIZING THE EXPENDITURE OF OTHER FUNDS RELATING TO CAPITAL PROJECTS; AUTHORIZING THE DESIGNATION OF A CITY OFFICIAL TO DETERMINE EXPENDITURES TO BE REIMBURSED WITH PROJECT FINANCING; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

Motion by Wolfinger, seconded by Goodlander to adopt Resolution 05-062.

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

RESOLUTION NO. 05-063

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A MEMORANDUM OF UNDERSTANDING, WITH THE POLICE DEPARTMENT LIEUTENANTS

Motion by McEvers, seconded by Hassell to adopt Resolution 05-063.

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

ORDINANCE NO. 3229  
COUNCIL BILL NO. 05-1026

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO C-17L AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: LOT 3, OTT'S SUBDIVISION IN THE NORTHWEST ¼ OF SECTION 12, TOWNSHIP 50N, RANGE 4W, BOISE

MERIDIAN, KOOTENAI COUNTY, IDAHO; MORE SPECIFICALLY DESCRIBED AS A +/- 11,500 SQ. FT. PARCEL AT 2220 NORTH GOVERNMENT WAY, CITY OF COEUR D'ALENE, 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 by Edinger, seconded by Wolfinger to pass the first reading of Council Bill No. 05-1026.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Council Bill No. 05-1026 by its having had one reading by title only.

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

**PUBLIC HEARING – ZC-3-05 – ZONE CHANGE OF PROPERTY LOCATED BETWEEN RAMSEY ROAD AND ATLAS ROAD IN THE VICINITY OF LAKE CITY HIGH SCHOOL:** Mayor Bloem read the rules of order for this public hearing. John Stamos, Associate Planner, gave the staff report.

Mr. Stamos gave the applicant's name as Kootenai-Greenstone, the location as a 7.14-acre parcel located near the northwest corner of Ramsey Road and the future Wilbur Avenue, and the reason for the public hearing as a zone change from R-8PUD to C-17L PUD.

He went on to give the staff analyses for land use, zoning, utilities, traffic and streets. He reported that on July 12, 2005 the Planning Commission recommended approval of the requested zone change. Since the potential mailing of notices exceeded 200, notices were not mailed pursuant to Idaho Code. Notices of the public hearing were published on June 25, 2005 and July 5, 2005 and notice was posted on the property on August 24, 2005.

Written comments were distributed for Council review.

**PUBLIC COMMENTS:** Jason Wheaton, 1421 N. Meadowwood Lane, Liberty Lake, WA, representing Kootenai-Greenstone the applicant, reviewed the PUD for the entire Coeur d'Alene Place subdivision. Tonight they are requesting expanding the original 3-acre site to include the additional 7.14-acre parcel for a total of 10 acres to be zoned C-17LPUD. He noted that Wilbur Avenue will be continued through this site to Atlas Road as a major east-west arterial. Councilman Hassell asked about a lift station. Jason responded that part of the agreement for the lift station in Sunshine Meadows was that Kootenai-Greenstone provided an easement to connect to that lift station which they have agreed to do. Charles Dodson, attorney for the Ramsey Cove property owners - one of

which is Mark Doefler, opposes this zone change as his clients have a higher-end subdivision which would end up abutting a commercial zone. His clients are asking that the Council does not approve the C-17LPUD zone change and suggested that the City require Greenstone to participate in the improvements to the roadway required of his clients and to limit the commercial use to the first 300 feet of that roadway.

Councilman Edinger asked if it would be appropriate to table this public hearing in light of Mr. Dodson's request. City Attorney Mike Gridley noted that this public hearing should be voted on by the Council based on the merits of this proposed zone change. Councilman McEvers asked about the effects of a denial without prejudice. John Stamos responded that they could re-apply without paying a new application fee if it were denied without prejudice. Councilman Goodlander asked if we placed conditions on this zone change and the applicant agrees, could the Council move forward with an approval and to require additional right-of-way for the roadway including buffering. John Stamos responded that these items could be added as conditions. Mayor Bloem asked if the zone change request is denied, wouldn't the applicant have to wait one year before re-applying. John Stamos responded that they would have to wait one year. Councilman Edinger asked if the applicant would be willing to withdraw their request tonight in order to work through the concerns of the opponent. John noted that the applicant does not have to withdraw, it could be continued with the understanding that parties involved would work through the issues raised tonight. Mark Doefler, 7635 Ramsey Road, owner of Ramsey Cove, confirmed that the annexation agreement for the Ramsey Cove property has not been signed and his property has not been annexed into the City. Jason Wheaton noted that one of the original conditions of the 1994 PUD was to provide right-of-way access on the northern limits of his property although it does not benefit Coeur d'Alene Place PUD. He also questioned the benefits to the City to have this requested roadway since the City is trying to limit access onto Ramsey Road. He added that he would buffer to City standards. Additionally, any development in the requested zone change site within Cd'A Place would only be accessed through the extension of Wilbur Avenue. Councilman Edinger asked John Stamos if the City is requiring improving the 20-foot roadway on the northern limits of this proposed parcel. John Stamos responded that the Ramsey Cove owners were required to provide the roadway to their development including expanding the roadway to 50 feet on the north side of the existing 20-foot road right-of-way by adding an additional 30-foot easement. Councilman Goodlander asked about the north-south roadway from Wilbur Avenue to the northern limits of Cd'A Place. Jason responded that this was part of the proposed PUD in 1994 and they realized then that modifications to the original plat would need to be made as the area was further developed.

**MOTION:** Motion by Reid, seconded by Wolfinger to approve the requested zone change and to adopt the Findings and Order of the Planning Commission and to enter the public testimony into the record.

**DISCUSSION:** Councilman Wolfinger voiced his concerns with C-17LPUD zoning being adjacent to R-3 zoning although the City will require buffering. He believes that there is no reason for this Kootenai-Greenstone to participate in the construction of the

roadway to Ramsey Cove, noting that the Ramsey Cove property is not currently within the City limits. He will vote for this zone change due to the track record of Kootenai-Greenstone and their willingness to buffer their property from Ramsey Cove. Councilman Hassell questioned the ability for the City to maintain the proposed roadway to Ramsey Cove and if the City will require this roadway to become a City street. Council Reid noted that even if it were to become a City street, it would dead end at Ramsey Cove. She believes that what the City needs are north-south roadways between Wilbur Avenue and Prairie Avenue. She noted that the purpose of the private roadway for Ramsey Cove was to resolve their land-locked parcel of property. She also sees no reason for Cd'A Place to participate in the development of the roadway to Ramsey Cove. Councilman Goodlander voiced her concerns for abutting an R-3 zoning to a C-17LPUD zoned parcel. Councilman Edinger asked if the City would be land-locking the parcel east of Ramsey Cove. John Stamsos noted that there would be a roadway from Cd'A Place running north off of Wilbur Avenue. Councilman McEvers noted that there would be a roadway separating Ramsey Cove from Cd'A Place in addition to buffering being placed along the Cd'A Place property lines. Council President Reid noted that the request is for C-17LPUD which means that any activity that would be placed on this parcel will be presented to the Planning Commission for final approval.

ROLL CALL: Edinger, No; Goodlander, No; Hassell, No; McEvers, Aye; Reid, Aye; Wolfinger, Aye. Motion carried by the tie-breaking vote of the Mayor in the affirmative.

#### **PUBLIC HEARING – AMENDING CONSTRUCTION PARKING PERMIT**

**FEES:** Mayor Bloem read the rules of order for this public hearing. Mike Gridley, City Attorney, gave the staff report.

Mr. Gridley reported that Ordinance No. 10.24.060 allows the City to provide for extended parking in limits parking areas for construction and maintenance vehicles. The current fee set for this permit is \$35.00. Today, there are limited parking spaces available in the downtown area and this fact needs to be balanced against the need for extended parking for construction purposes. The proposed fee increase is a reasonable accommodation for construction parking. It limits the number of permits that can be issued per project to alleviate the potential abuse. It also proposes a reasonable fee for the extended parking and it takes into consideration the cost of administration.

DISCUSSION: Councilman Wolfinger asked if the permit would be transferable. The resolution does read that the property owner needing extended parking privileges during construction work would obtain the permit. Councilman Goodlander noted that this issue was brought up during General Services to increase the fees. Councilman McEvers, as a liaison to the Parking Commission, reported their focus was to look at the value of parking in the downtown area and they believe that the \$14 per day would be minimal for extended use of parking spaces.

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

RESOLUTION NO. 05-064

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ESTABLISHING A FEE FOR CONSTRUCTION PARKING PERMITS

Motion by Goodlander, seconded by Hassell to adopt Resolution 05-064.

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

**PUBLIC HEARING – ANNUAL APPROPRIATION FOR FISCAL YEAR 2005-06:** Mayor Bloem read the rules of order for this public hearing. Troy Tymesen, Finance Director, gave the staff report.

Mr. Tymesen, presented the proposed financial plan for fiscal year 2005-2006. He reviewed the strategic planning process which was undertaken in order to develop this financial plan. He explained the overall budget including the additional FTEs contained in this financial plan. He reviewed the significant proposed capital expenditures including street improvements, water system improvements and expansion of the Wastewater Treatment Plant. He highlighted the proposed increase in revenues for the General Fund. The three sources of property taxes comes from a 3% increase in existing budget, revenue from new construction and revenue from new annexations. Mr. Tymesen explained the impact on homeowners. He explained that with the new valuations, annexations, etc. that there would be a net reduction of 5.4% in the City's levy rate. He announced that the City will have a 17% fund balance which will carry the City from November through January without having to borrow money.

DISCUSSION: Councilman Wolfinger noted that only 18% of the City's budget comes from property taxes. Council President Reid asked Mr. Tymesen to list the City's other sources of revenue. Mr. Tymesen noted that among other sources, the City receives revenues from franchise fees, State revenue sharing, and impact fees. He explained what an enterprise fund is and how it impacts the City's Financial Plan. Council President Reid noted that the City received funds from the Federal Government, State of Idaho and property owners with only 8% of the funding coming from the City for the Government Way improvement project. Councilman Hassell asked about grant funds. Mr. Tymesen explained that the City does not forecast grant funds but amends the budget for grants once they are received. This year the City has received close to \$1,000,000 in grants. The improvements to 4<sup>th</sup> Street were funded through impact fees as well as grant funding without any dollars of property taxes being spent on this project.

Councilman Goodlander commended the process that the City goes through to develop the Financial Plan. She explained that the Executive Team undertook the process of balancing the preliminary budget and commended Executive Team for the fine work they have done. She also thanked Mr. Tymesen for his leadership throughout this process.

PUBLIC COMMENTS: Susan Snedaker, 821 Hastings, believes that Code Enforcement should be enhanced to protect neighborhoods from code enforcement issues. She urged the Council to add more time to personnel for code enforcement. She appreciates the Council adding additional Police Officers. Joe Kunka, 932 E. Homestead Ave., voiced his concerns regarding the COPS grants which went from \$46,000 to over \$317,000 for School Resource Officers in this financial plan. Councilman Wolfinger noted that although the school is paying for the officers through grant funding, the City must list it as an expenditure for paying the officers. Mr. Kunka questioned the increase in the overall property valuations which would mean that the City will have a huge increase in revenue. Councilman Wolfinger explained that the revenue from property taxes is based on the 3% increase cap on the previous year's levy and not strictly on a percentage of property valuation. Mr. Tymesen noted that most of the COPS grant budget is from ongoing grants. Vonnie Jensen explained that the Police Dept.'s COPS grant budget is not strictly for police school resource officers but also for capital equipment which is 100% paid for through the grant. Ron Caitlin, 986 Victorian Drive, requested that the City table the financial plan for this coming year as a result of the current disaster which will mean an increase in fuel costs. He believes that it would be in the best interest to reallocate the budget to provide for the police, fire, ambulance services increased fuel costs. He believes that tourism will decrease. He feels that the City needs to give up the wants for what the city needs. He also believes that the City should eliminate their request for the 3% increase in levy rate. Council President Reid responded that the City is bound by law to submit the budget to the County by the end of this week and additionally once the preliminary budget is set the budget can not be raised. She explained that the budget is adjusted throughout the year to address such issues as increasing fuel costs. Mr. Caitlin believes that all types of governmental taxations will become "egregious" in the near future. He believes that Police and Fire funding should take precedence over Parks and Recreation. He believes that bond elections are the result of a great sales job since presentations are based on a \$100,000 home, especially when there are no homes at that value in this City any more. Barry Moore, 525 Locust Avenue, asked where "beginning cash" comes from when the ending balance shows an account ended in the red. He also commented that he believes that more of the Library funding should come from the people who use the Library and not property taxes, similar to how the Cemetery is funded. The example he used was that he could go to the Library and play on the computers for nothing but he would be willing to pay for that use. Mr. Tymesen explained that the Trust Funds can only spend money that they receive and so the beginning balance is an estimate. Councilman Wolfinger further explained that the "Arts Fund" is a dedicated fund where funding comes from development projects, however, the City doesn't know exactly how much money from development projects will be received and so the beginning balance is an estimate of that amount. Mr. Kunka asked what an Interfund Transfer is. Vonnie Jensen explained that this is a charge to the Enterprise funds for use of General Fund departments, such as Legal services or utility billing services. Councilman McEvers commented that the government budget process is different than commercial business accounting and it has taken him a while to understand the difference. He assured the residents that staff takes every effort to make sure the City receives the best buy for our tax dollars.



ORDINANCE NO. 3230  
COUNCIL BILL NO. 05-1029

AN ORDINANCE ENTITLED "THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005" APPROPRIATING THE SUM OF \$66,600,948 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF COEUR D'ALENE FOR SAID YEAR; LEVYING A SUFFICIENT TAX UPON THE TAXABLE PROPERTY WITHIN SAID CITY FOR GENERAL REVENUE PURPOSES FOR WHICH SUCH APPROPRIATION IS MADE; LEVYING SPECIAL TAXES UPON THE TAXABLE PROPERTY WITH SAID CITY FOR SPECIAL REVENUE PURPOSES WITHIN THE LIMITS OF SAID CITY OF COEUR D'ALENE, IDAHO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by Hassell to pass the first reading of Council Bill No. 05-1029.

**DISCUSSION:** Councilman Edinger thanked the residents who came to testify at tonight's budget hearing. He also commended the Executive Team for their efforts in bringing forward a balanced budget. Councilman Hassell also commended the Executive Team for all their efforts in presenting this budget with Council direction.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Council Bill No. 05-1029 by its having had one reading by title only.

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

**EXECUTIVE SESSION:** Motion by Reid, seconded by Wolfinger to enter into Executive Session as provided by Idaho Code 67-2345: Subsection C: 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:** Hassell, Aye; Goodlander, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye; Wolfinger, Aye. Motion carried.

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

Matters discussed were those of property acquisition and pending litigation. No action was taken and the Council returned to regular session at 9:54 p.m.

**PARTNERSHIPS WITH GOVERNMENTAL ENTITIES:** The Council discussed various issues regarding partnerships with other governmental entities.

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

The meeting adjourned at 10:35 p.m.

---

Sandi Bloem, Mayor

ATTEST:

---

Susan K. Weathers, CMC  
City Clerk