

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL,
OCTOBER 7, 2003**

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 October 7, 2003 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Chris Copstead) Members of Council Present
Deanna Goodlander)
Woody McEvers)
Loren Edinger)
Ben Wolfinger)
Dixie Reid)

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

INVOCATION: The invocation was led by Pastor Tom Weadick, Vineyard Christian Fellowship.

PLEDGE OF ALLEGIANCE was led by Councilman Goodlander.

PRESENTATION - CITIZEN APPRECIATION AWARD: Interim Police Chief Wendy Carpenter presented Paige Young with a Citizen Appreciation Award for her unselfish efforts to protect a child from a possible abduction.

PRESENTATION - DONATION TO LIBRARY FOUNDATION: The grandchildren of Shirley Parker expressed their appreciation for having a Children's Theater in memory of their grandmother. Mayor Bloem noted that the Parker Family donated \$75,000.00 towards the library's Children's Program. The Library Board presented a certificate of appreciation to the Doug Parker for his family's generosity.

PRESENTATION - CLUB DRUGS AND KIDS: Patty Gallagher, representing the Substance Abuse Council, presented information regarding club drugs and the history of how these drugs have become so prevalent for your youth. She also described the external signs of someone using ecstasy drugs. She noted that she is available to give a full class on this subject at no charge to any group that is interested.

RECESS: Mayor Bloem announced that Adelphia is having some technical difficulty and called a recess at 6:45 p.m. The meeting reconvened at 6:54 p.m.

PUBLIC COMMENTS:

PANHANDLE CONCRETE: Kathy Hunt, 5133 E. Pinegrove Drive, voiced her concerns of having the Panhandle Concrete operation next to her neighborhood. She noted that the possible solutions suggested by the City staff and owners of Panhandle Concrete regarding her complaints will not resolve her concerns. Her main issues are noise, diesel fumes, and dust from the operation. She asked the Council to help resolve the issue. Mark Hunt, 5513 E. Pinegrove Drive, noted that this situation has become very stressful for his wife. He would like some resolution to this problem. Dave Watkins, 5804 Silver Pines Ct., noted that the trucks from this operation cause a lot of dust and noise. He is concerned for the value of his home because of this manufacturing industry being operated outdoors when the zoning regulations require a minimum impact on residential neighborhoods. David Poling, 5128 E. Pinegrove, cited from an EPA article that noted noise is an unwanted sound, and such noise causes hearing loss as well as other physical and physiological problems. He noted that noise is a biological factor of every day life and feels that this operation is compromising his quality of life. He feels that there will not be any compromise in this issue. Roberto Santos, 826 E. Park Avenue, stated that he feels the value of his home is going down due to this operation and wants his taxes lowered as well. David Koontz, 5807 Silver Pine Court, objects to the view from his back deck and feels his right to happiness has been compromised by this operation. He stated that the Mayor, Council and staff have been remiss in their duties in allowing this operation to continue. He requested that the City close this operation. He noted that one of the requirements for this operation is to be enclosed in a building. Fran Poling, 5128 E. Pinegrove Drive, noted that the homes in her area have been built for 30 years and the property on which Panhandle Concrete is on has been zoned light manufacturing which requires the operation to be contained within an enclosed building with minimal impact on the community. This operation is anything but a light manufacturing operation, with the production of cement, noise, dust, and diesel fumes. She feels that allowing this operation is absurd and requests the Council stop this operation. Pam Bullion 5123 E. Pinegrove, purchased her home in 1995 when the property located in this area was a hole but with each year the dust and noise is increasing. She is sensitive to Mr. Moen's as a business owner but she is also aware of the rights as a homeowner. She hopes that a solution can be reached to this problem. She suggested offering Mr. Moen a tax incentive to move his business. Mayor Bloem thanked the neighborhood for their concerns and noted that this is a high priority item for City staff.

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

1. Approval of minutes for September 16, 25, 2003.
2. Setting of General Services and Public Works Committee meetings for Oct. 13, 2003 at 4:00 p.m.
3. RESOLUTION 04-001: 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 CHANGE ORDER NO. 1

- WITH INTERSTATE CONCRETE AND ASPHALT, FOR THE 2003 STREET OVERLAY PROJECT; APPROVAL OF AN AGREEMENT WITH ACQUISITION SERVICES, FOR GOVERNMENT WAY RIGHT-OF-WAY ACQUISITION; APPROVAL OF A BID AWARD TO ISB, L.L.C. DBA IRONSIDE STEEL BUILDINGS IN THE AMOUNT OF \$39,842.00, FOR THE CONSTRUCTION OF A NEW STEEL BUILDING FOR THE WASTEWATER UTILITY DEPARTMENT; APPROVAL OF ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE/WARRANTY AGREEMENT, FOR BENTWOOD PARK, 5TH ADDITION AND APPROVAL OF A FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT FOR RAMSEY MEADOWS, 2ND
4. Setting of Public Hearings: V-03-7 - Vacation of a portion of Kathleen Ave. R/W for Oct. 21, 2003; and V-03-8 - Vacation of R/W in Sunshine Meadows Subdivision for Nov. 4, 2003.
 5. Approval of purchase of Street Dept. vehicle from Lake City Ford.
 6. Approval of purchase of Street Dept. snowplows from Washington Auto Carriage.
 7. Approval of Review Committee for review of RFP's for grant writing and administration services for a three-year term.
 8. Approval of cemetery lot transfer fro Luzetta Best to Helen Best Jacobs and transfer of cemetery lot from Bette & Wm. Cox to Jennifer Prince.
 9. Approval off purchase of safety related items/awards
 10. Acceptance of Right-of-Way for Gov't Way Project, Phase II.
 11. SS-10-03 - Final Plat Approval of Des Jardins Gardens Condominiums
 13. Setting of public hearing for Extension of time for Lake Urban Renewal District and for creation of River Urban Renewal District for November 18, 2003.

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

PUBLIC HEARING – S-11-03 - APPEAL HEARING - PRELIMINARY PLAT FOR 72-L0T SUBDIVISION FOR "ORCHARD LANDS": Mayor Bloem read the rules of order for this quasi-judicial public hearing. No conflict of interest was declared by any Council member. Councilman McEvers noted that he has received packets of information, and discussed the issue with the area homeowners. Councilman Reid noted that she had one telephone conversation with Mr. Mike White. Councilmen Copstead and Goodlander noted a phone conversation with Mr. Mike White. Councilman Edinger noted that he has had numerous conversations. All Council members noted that these communications have not affected their ability to make an informed decision. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos gave the applicant's name as John Brewster, the location as approximately 22.6 acres at the southwest corner of Appaloosa and Atlas Road and the reason for the request as preliminary plat approval for a 72-lot subdivision intended for single-family

and cluster housing development. He highlighted the various zoning classifications surrounding the subject property. He also noted that on August 19, 2003 the City approved annexation and an R-8 zoning of the subject property.

Mr. Stamos reported that on August 12, 2003, the Planning Commission held a public hearing on the above-referenced request and approved it by a vote of 5-to-0 with the following conditions:

1. Construction of a sanitary sewer lift station to service all lots, which are at a lower elevation than the existing main. This lift station will be a private lift station and maintained by the homeowners association for the subdivision.
2. Construction of a loop connection of the existing water mains between Appaloosa and Atlas Roads and abandonment of existing water services that are not to be utilized per established procedures.
3. Design and construction of outfall areas for existing drainage that currently are absorbed by the site, which maintenance will be performed by the homeowners association.
4. Dedication of sufficient right-of-way on Appaloosa Road to allow for 60' of r/w from the Queen Anne Estates subdivision to the north and additional 15' of r/w on Atlas Road to provide for a half-section of 40'.
5. Construction of a ten-foot (10') bike/ped path along the Atlas Road frontage by the developer at no cost to the City.
6. Add double frontage lots will have access restricted to the internal roadways.
7. Street trees shall be planted on each lot in the subdivision and shall be implemented as a condition on all building permits issued for new homes. The number and type of trees planted shall be in accordance with the requirements in Sections 12.36.400 and 12.36.405 of the Municipal Code.
8. Perimeter fencing is required, as agreed to by the applicant.

On August 25, 2003, Michael and Karen White, Cecil and Ruth Thorpe, Richard and Adrell Easterday, and Carl and Peggy Benson appealed the decision of the Planning Commission based on the following:

1. The Planning Department should not have accepted a plat map for property that had not been annexed or accepted into the City of Coeur d'Alene.
2. Mr. Brewster requested annexation for property he does not own.
3. Problems with the accuracy of the plat map and surveying of the property.
4. Summary of written returns was inaccurately reported to the Planning Commission.
5. 56 notices were sent to properties within 300 feet. Appellant claims that there are not 56 homes or businesses within 300 feet.
6. No Environmental Impact Survey has been done on Atlas Road.
7. The Planning Commission ignored testimony from neighbors and written responses.
8. Appellants contend that they have proven that R-8 zoning is not compatible with the neighborhood.
9. It was the last hearing on the agenda and did not start until 10 p.m. so, the appellant's feeling was that the Planning Commission was in a hurry to finish because it was late.

Mr. Stamos reported that 54 notices of this public hearing were mailed to all property

owners within 300-feet of the subject property on September 19, 2003 and 22 responses were received: 0 in favor, 20 opposed, and 2 neutral. Written comments were distributed for Council review. He also noted that all comments and responses to the mailings for the Planning Commission hearing were distributed for their review

Public Comments: John Brewster, 4071 N. 2nd Street, Yorba Linda, CA 92886, noted that it is a 107- unit maximum project and that is what he is sticking to. The subdivision will have CCR's which will be structured in such a way that the property will be kept up. Councilman Reid noted that if the south 11 acres were not annexed the property owner could have built 96 units on the existing annexed 12-acre area at the north end of this proposed development; however the developer is proposing 107 units for the entire 22 acres. Ed Wroe, N. 7270 Mulholland Dr. Hayden Lake, attorney for the applicant objected to the Council making a decision on this issue when they had received communication from the opponents for this plat. He also noted that the plat is the only issue tonight and any other comments should not be considered. Russ Helgeson from Frame and Smetana Engineers, 2642 E. Cherry Hill Road, Cd'A, commented on the statements made for the basis of this appeal. He confirmed that Mr. Brewster is the owner of the north 12 acres and the purchase of the lower 11 acres is contingent upon annexation, zoning and plat approval of the property. He noted that the final survey is routinely not completed until the plat has been approved. Regarding the lack of an environmental survey for a preliminary plat, he noted that this is something that is not required. He noted that the traffic on Atlas Rd is not issue as determined by the engineering staff. On a final note, he recalled that the Planning Commission hearing was a 3-hour hearing and he feels that the Commission took more than enough time to hear both sides of the issue. He mentioned that the infrastructure for this development has met the requirements set by City Staff. He noted that because of the previous denial without prejudice, the subdivision was reconfigured to place the larger sized lots adjacent to the R-1 zoning and redesigned the access into the development off Atlas Road as suggested by the Planning Commission. During this process the developer has met with area homeowners and has tried to address their concerns. Ruth Thorpe, 6095 E. Mullan Trail Road, contends that the proposed plat is not compatible with surrounding zoning. She feels that the proposed plat does not meet the Comprehensive Plan designation for a stable established area. She believes that if the developer would develop the property at an R-3 zoning density, it would be more compatible with the surrounding area. She feels that access on Atlas Road is dangerous since Atlas Road is very congested now. She also noted that she collected 167 signatures on a petition opposing the development. She cited several Comprehensive Plan criteria relating to density, which she feels this development does not meet. Karen White, 3106 Lodgepole Road, spoke in opposition to this plat. She asked if an R-8 lot in this plat is sold, can the buyer build a duplex on this lot. She noted that her property abuts this development and she would have 4 lots next to her one-acre lot. She stated that a notice was to be posted on the property prior to the Planning Commission public hearing and she did not see any notice. She noted that there was an accident at Atlas Road and Seltice Way this evening. She stated that Atlas Road is currently at capacity and with the development to the north together with this development, that Atlas Road cannot handle the increased traffic. Stewart Smith, 4108 Appaloosa Rd., opposes this subdivision and does not feel that this is a good thing in that

it will affect their livelihood and property value. Sandra Doutré, 3208 Lodgepole Rd., stated that she is surprised that the Council had signed the letter consenting the annexation and zoning of the property that was not notarized. She feels that the residents have been badgered by having this property zoned as an R-8 density and the City will now have "one hell of a traffic jam" on Atlas Road. Jim Armitage, 4741 W. Woodside Ave., noted that the only access from his subdivision is on Appaloosa Avenue onto Atlas Road. He feels that the City Council really doesn't know what it is they are voting on tonight. He would like the issue tabled until a consultation with the Planning Commission can clarify for the Council what it is that they are voting on. He feels that a substation that requires residents to pay to maintain the system is not feasible and the developer should be prepare a plat that shows what the lots are going to be, what the roadway is going to be and what is the access going to be. He feels that this development should be based on the 1982 Comprehensive Plan and not the current Comprehensive Plan. Dick Easterday, 3104 Lodgepole Road, asked what kind of fence is being planned around this development and who is going to maintain the backside of the fence. He commented that if it is his responsibility that he might maintain it with a chain saw. He opposes multi-family dwelling units next to his back yard. He noted that if this plat were approved, he would like to see a sight-obscuring fence. Kathy Dionne, 3301 Lodgepole Road, asked if the single-family units are going to be multi-story and how much privacy is going to be taken away from the people who live in Indian Meadows. Cecil Thorpe, 4110 Appaloosa Rd., feels that he has been threatened that this will be built at an R-8 zoning and in the past he has blocked this development and he feels he can block this decision again. Mr. Brewster noted that he had observed the traffic on Atlas Road and it is not as great as the opponents are stating and if it were then there would be a traffic sign on Appaloosa. He also believes that his development will not lower the value of surrounding property. He believes that a few people in this area have stirred the pot and really don't know what is going on. He stated that it will be a nice subdivision, it will enhance the neighborhood, and the homes will be equal or better than existing homes. Motion by Edinger, seconded by McEvers to re-open testimony for Mr. Dick Ward. Motion carried. Mr. Dick Ward, 3637 Hillcrest, voiced his concerns about the traffic on Atlas Road.

Motion by Wolfinger, seconded by Reid to approve the preliminary plat and adopt the Findings and Order of the Planning Commission including the recommended conditions and with the following additional conditions to item #8 to provide 6-ft. 100% sight-obscuring fence and item #9 to have the engineers re-evaluate the intersection at Pear Tree and Atlas Road. ROLL CALL: Copstead, Aye; Edinger, No; Goodlander, No; McEvers, No; Reid, Aye; Wolfinger, Aye. Motion failed with the Mayor voting in the negative.

RECESS: Mayor called for a recess at 10:10 p.m. The meeting reconvened at 10:25 p.m.

Motion by Goodlander, seconded by McEvers to deny without prejudice S-11-03 and adopt the Findings as presented and on file in the Planning Department records. ROLL CALL: Copstead, No; Edinger, Aye; Goodlander, Aye; McEvers, Aye; Reid, No; Wolfinger, No. Motion carried with the Mayor voting in the affirmative.

MAYOR'S ARTS AWARDS: Councilman Wolfinger recently attended the Mayor's Arts Awards and noted that we have some very talented people in our community. He encouraged all residents to become involved in the arts for our community.

FURNACE SAFETY: Councilman Wolfinger reminded residents to have their furnaces checked and your chimney cleaned before firing the up winter.

RECREATION DONATIONS RECEIVED: Councilman Copstead acknowledge the various donations from the Cd'A Little League, which totaled over \$19,000.

RECREATION DEPARTMENT REPORT: Councilman Copstead noted that the Recreation Department is taking registration until Friday, October 10, 2003 for Youth Basketball for grades 3 through 9. Dance Class registration will be held this Saturday on October 11, 2003, at 9:00 a.m. at Lakes Middle School. Men's Basketball registration deadline is October 24th at the Recreation Department.

LIBRARY BOOK SALE: Councilman Goodlander announced that there would be a book sale for the Friends of the Library this Friday, October 10th, at 9:00 a.m. She noted that proceeds from the fundraiser goes to support the summer reading program for the children. She also asked residents for donations of books for the sale.

SIGNING CLASS: Councilman Goodlander noted that a Signing class for communicating with the deaf started this week at the Library. If anyone is interested in participating in this class to please contact the Library.

EXECUTIVE TEAM REPORT: Susan Weathers, representing the Executive Team, reported that Congratulations to Street Department Heavy Equipment Operator, Jerry Bass, who retired after 12 years of dedicated service to the citizens of Coeur d'Alene. Best wishes Jerry. The City of Coeur d'Alene will begin its annual leaf pickup program – "Leaf-fest 2003" – on Wednesday, November 12th. Leaf pickup will start south of Sherman Avenue and work north. Since leaves can quickly plug catch basins and storm drains, residents are requested to keep leaves on their property until Saturday, November 8th. Leaves will be picked up only once. Please rake your leaves and pine needles about a foot from the gutter line to allow for water drainage and do not include bagged leaves, branches, rubble or refuse. Most important, please do not put leaves in the street after city crews have completed your area. Call 769-2233 for more information. The Water Department is implementing a cross connection control program. A cross connection is a situation where plumbing is such that hazardous materials can flow backwards into the general water system. We have hired a new employee, Ryan Malloy, to manage the program and have hired a contractor who will be surveying various "high risk" facilities. Our contractor will be visiting area buildings to survey and identify any areas where cross connection devices are required. Existing devices will be identified. The follow-up to the survey will be to install any required devices and have annual tests conducted on the

existing ones. If you have any questions feel free to contact Ryan at 676-7408 or Jim Markley at 769-2210. The old Parks and Recreation building in McEuen Field was successfully demolished and the debris removed during the week of September 15th. The area has been graded in preparation for the installation of irrigation and reseeding next week. The open space will be ready for use in the spring.

ORDINANCE NO. 3146

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 10.36.010 TO REPLACE THE TERM "LODGING FACILITY" WITH "HOTEL, MOTEL OR BED AND BREAKFAST"; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDE FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF.

Motion by Copstead, seconded by Wolfinger to pass the first reading of Ordinance No. 3146

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3146 by its having had one reading by title only.

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

ORDINANCE NO. 3147

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF 22ND STREET RIGHT-OF-WAY FROM THE AMENDED PLAT OF GLENMORE ADDITION TO COEUR D'ALENE, RECORDED IN BOOK "B" OF PLATS, PAGE 140, RECORDS OF KOOTENAI COUNTY, GENERALLY DESCRIBED AS THAT PORTION OF 22ND STREET R/W LYING NORTH OF COEUR D'ALENE AVENUE AND SOUTH OF THE FERNAN ELEMENTARY SCHOOL, COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by Wolfinger to pass the first reading of Ordinance No. 3147.

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

Motion by Reid, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3147 by its having had one reading by title only.

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

RESOLUTION NO. 04-002

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR SEWER MANAGEMENT, WITH PANHANDLE HEALTH DISTRICT.

Motion by Reid, seconded by Edinger to adopt Resolution 04-002.

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

RESOLUTION NO. 04-003

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT TO TERMINATE THE FRONTAGE IMPROVEMENT AGREEMENT WITH PHILIP E. AND MARY L. DOLAN, HAROLD A. WACHOLZ AND DELBERT L. AND BETTY J. KERR.

Motion by Reid, seconded by Edinger to adopt Resolution 04-003.

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

EXECUTIVE SESSION: Motion by Reid, seconded by Wolfinger to enter into Executive Session as provided by I.C. 67-2345 Subsection A: To consider hiring a public officer, employee, staff member or individual agent; Subsection B: To consider the evaluation, dismissal or disciplining of or to hear complaints or charges brought against a public officer, employee, staff member or individual agent; 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: McEvers, Aye; Reid, Aye; Goodlander, Aye; Edinger, Aye; Wolfinger, Aye; Copstead, Aye. Motion carried.

The session began at 10:52 p.m. Members present were the Mayor, City Council,

Acting City Administrator and City Attorney and staff.

Matters discussed were those of personnel matters, labor negotiations, property acquisition and legal issues. No action was taken and the Council returned to regular session at 11:42 p.m.

HUD ENTITLEMENT FUNDS: Motion by Goodlander, seconded by Wolfinger to respectfully decline the HUD entitlement funds. Motion carried.

SHARING GRANT WRITER SERVICES: Motion by Goodlander, seconded by Edinger to approve the Library Foundation participating in sharing the services of the grant writer with the City, LCDC and Human Rights Foundation with the understanding that the City's, LCDC's and Human Rights Foundation's projects take precedent. Motion carried.

MUNICIPAL GRANT WEBSITE: Motion by Goodlander, seconded by Reid to approve the subscription to the Municipal Grants website at a cost of \$1,000 per year. Motion carried.

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

The meeting adjourned at 11:50 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk