

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM,
OCTOBER 21, 2008

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene Library, October 21, 2008 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Al Hassell) Members of Council Present
Mike Kennedy)
John Bruning)
Deanna Goodlander)
Loren Ron Edinger)

Woody McEvers) Members of Council Absent

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

INVOCATION was led by Pastor Paul Peabody, Grace Bible Church.

PLEDGE OF ALLEGIANCE: Councilman Hassell led the pledge of allegiance.

PUBLIC COMMENTS:

IRONWOOD TRAFFIC FLOW: Charles Cardarelli, voiced his concern regarding parking along roadways intersecting Ironwood Drive and, in particular, next to two stop signs and a fire hydrant. He commented that drivers are continuing to park up to the intersection which is causing sight obstructions and impeding traffic flow along Ironwood Drive. He asked the Council to restrict parking for 30 feet from the stop sign and hydrant. City Engineer Gordon Dobler will follow up with this request.

MIDTOWN PARKING: Dana Musick, 916 N. A Street, voiced her concern regarding the parking situation in mid-town which she believes is quite a problem. She has been trying to expand her business but without being able to add parking she cannot do so. She asked Council for relief. Councilman Goodlander commented that Council will be addressing this issue later in the meeting through the proposed fee-in-lieu of parking regulations.

KATHLEEN AVENUE IMPROVEMENTS: Larry Spencer, 634 Skyhawk Drive, Spirit Lake, commented on the road re-building project along Kathleen Avenue and commended the Street Department for their excellent work. Jon Ingalls, Deputy City Administrator, noted that street improvements are a shared responsibility which included Chris Bates and Gordon Dobler from the City's Engineering Services Department and commended them for their work on the Kathleen Avenue improvements.

SIGNALIZATION TIMING REQUEST: Gordon Dobler, City Engineer, recognized Ford Johnson, a student at Woodland Middle School, who wrote a letter to the Mayor regarding the signalization at Kathleen and Ramsey and asked if the City could do something to make the signalization provide more time for students crossing the intersection. Mr. Dobler received his letter and did change the signalization timing as suggested by Master Johnson.

STUDENTS LETTERS TO THE MAYOR: Mayor Bloem expressed her appreciation to Ford Johnson for getting involved and writing a letter. She also noted that because of the letters she received from the students at Skyway elementary, a tether ball will be added to the pole located in Sunshine Meadows Park.

CONSENT CALENDAR: Motion by Kennedy seconded by Edinger to approve the Consent Calendar as presented.

1. Approval of minutes for October 7, 2008.
2. Setting General Services Committee and Public Works Committee meetings for October 27th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 08-054: 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 DECLARING CERTAIN COMPUTER HARDWARE & SOFTWARE AS SURPLUS, APPROVING THE ANNUAL WAIVER OF COVERED LOAD REGULATIONS FROM NOVEMBER 1, 2008 THROUGH NOVEMBER 30, 2008 FOR THE ANNUAL FALL LEAF PICKUP AND APPROVAL OF A MEMORANDUM OF AGREEMENT FOR PUD-2-07 "COTTAGE GROVE PUD".
4. Approval of bills as submitted and on file in the City Clerk's Office.
5. SS-8-08 - Final plat approval for Village at Riverstone Condominiums B
6. SS-9-08 - Final plat approval for Village at Riverstone Condominiums C

Councilman Goodlander commented that the reason the City removes the covered load regulations is to allow the City's dump trucks to efficiently haul the leaves picked up during the annual leaf pick up process. She noted that when the leaf pick up has been completed, the city does sweep the streets for any leaves that may be blown off the trucks.

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

COUNCIL COMMENTS:

COUNCILMAN KENNEDY: Councilman Kennedy welcomed County Commissioner Rick Currie to this evening's meeting. He announced that the homelessness issue has

received not only some local attention but national attention as well noting the headlines in USA Today and the Spokesman Review newspapers. He reminded residents that the City is working towards its goal to end homelessness in the City within the next 10 years. He asked those who have complained about the homelessness issue to join their efforts and invited everyone to attend the next Idaho Housing Coalition on Homelessness meeting to be held Halloween morning, Oct. 31st, at 7:30 a.m. in the Library Community Room.

COUNCILMAN BRUNING: Councilman Bruning announced that the week of Nov. 9th through the 16th is National Homelessness week and St. Vincent De Paul has put together several events during this week including a breakfast, a tour of their facility, a blanket drive, an art show, as well as a vigil will be held for the homeless on Monday, November 10th from 5:30 p.m. to 7:00 p.m. at Independent Point. If you would like more information on how to make a donation for the homeless, call 664-3095.

COUNCILMAN EDINGER: Councilman Edinger announced that there will be another opportunity for residents to dispose of their old prescriptions on Saturday, Oct. 25th, at Coeur d'Alene High School from 10 a.m. to 2 p.m. The first turn-in event was very successful and hopes are that this one will also be a success. This event is being jointly sponsored by the City of Coeur d'Alene, the Police Department, and Idaho State Police.

COUNCILMAN GOODLANDER: Councilman Goodlander noted that by dumping old prescriptions down the drain it could cause some potential contamination of the chemicals used to process the City's wastewater treatment plant.

COUNCILMAN GOODLANDER: Councilman Goodlander noted that with the difficult times being faced today, there is an increase in anger problems and asked residents to support CASA.

COUNCILMAN BRUNING: Councilman Bruning noted that an all-night campout will be held on Friday Nov. 14th, beginning at 7:00 p.m. at both high schools. Students will be camping out in support of the homeless.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel announced that the City's Leaf Pickup will begin Nov. 3rd and asked residents to help city crews by not parking their cars in the streets and keeping leaves away from curb. Absentee voting is now available at City Hall, any city or county resident can vote at City hall. There will be a Smithsonian exhibit hosted by the Library from Nov. 7th to Nov. 20th. The exhibit is called "Between Fences". As part of exhibit the Library will also host an art display. Mrs. Gabriel announced that the COPS academy concludes tonight with 18 residents graduating from this program. Next, the graduates will do a ride-along for a total of five times before they are on their own. Some of the activities that these volunteers will do are block watch, bicycle registration, Centennial Trail patrol, school watch for children enticement and abandoned vehicles – all of which will be a tremendous help to our Police

Dept. She noted that volunteers will have an identifiable uniform. On Oct 22nd, Independence Point will be closed beginning at 4:30 a.m. until 11:30 am. to accommodate the delivery of the public safety building to the City park area. She asked residents to use caution if they are interested in watching the process. On Sept. 29th the Federal government distributed \$4 billion to help with the housing crisis and the State of Idaho will receive \$19.6 million. The City has partnered with the Idaho Dept. Of Housing to help with our community needs and are working with St. Vincent DePaul, Habitat for Humanity and the Idaho Housing Coalition. Councilman Kennedy noted that the reason the City has been able to respond so quickly to this funding is because of the work that has been done and commended Renata McLeod and Troy Tymesen for their quick work on this project.

ORDINANCE NO. 3342
COUNCIL BILL NO. 08-1020

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 15.24.090 TO AUTHORIZE ON SITE BANNERS WITH CERTAIN RESTRICTIONS AS A TYPE OF PERMANENT SIGNAGE ON PRIVATE PROPERTY; 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 Goodlander, seconded by Bruning to pass the first reading of Council Bill No. 08-1020.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 08-1020 by its having had one reading by title only.

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

FEES-IN-LIEU-OF PARKING: City Finance Director Troy Tymesen presented the changes to the Fees-in-lieu-of parking as proposed by the City Parking Commission. The plan is to amend the city code in regard to in-lieu of parking as well as bring forward to the Planning and Zoning Commission a city code amendment to include mid-town as an available area for in-lieu. Mr. Tymesen stated that the city currently has an in-lieu parking fee established in 1993 which has generated \$15,000 in income. What the Parking Commission is proposing is that they modify the existing in-lieu of parking ordinance, modify the fee, and put some limitations on the number of car parking spaces

that are allowed for in-lieu. They are recommending Option 3 from the analysis done by the parking consultant, Rich and Associates, from January 2007.

Dave Yadon, Planning Director, stated that the buildings in mid town are basically wall-to-wall. If they want to change the land use, they are stuck. They cannot make a change due to parking constraints. So how do you get around this? By providing in-lieu-of parking fees or exempt parking for x-amount of square ft. The committee found that in-lieu was a reasonable way to do it as it would generate funds that could be used, for example, for a central parking system.

DISCUSSION: Councilman Hassell asked if there is a plan for annual increases in the fees. Mr. Tymesen responded that land value could be looked at annually. Councilman Kennedy noted that he has heard some criticism that in-lieu of parking would create more of a parking problem in the downtown. Mr. Yadon responded that in-lieu of parking does provide for off-site parking and believes that complaints are regarding on-site parking. He noted that currently the downtown area does not have an off-site parking problem in that there are adequate parking spaces available in parking lots. Mr. Tymesen added that the recently completed Parking study showed that on-street parking during the peak hours of the day utilized 63% of the parking spaces available. Off-street parking showed 52% usage at 2 p.m. in the downtown area. He added that these numbers were taken during Ironman week.

Motion by Goodlander, seconded by Edinger to authorize staff to move forward with the recommendation of the Parking Commission regarding fees-in-lieu of parking. Motion carried.

PUBLIC HEARING - V-08-2 - VACATION OF A PORTION OF THE NORTH-SOUTH ALLEY IN BLOCK 10, ARESVIK ADDITION: Mayor Bloem read the rules of order for this public hearing. Gordon Dobler, City Engineer, gave the staff report.

Mr. Dobler gave the applicant's name as Dave Rucker, who is requesting the vacation of a portion of public alley in Block 10 of the Aresvik Addition that is located under the newly constructed retail complex and parking lot at the northeast corner of 4th Street and Best Avenue. Mr. Dobler noted that Mr. Rucker had previously dedicated an ingress/egress easement at the rear of the facility to the City that provides for public access to both 4th and 5th Streets and to the north/south alley adjoining the rear. Thus, there are no restrictions to public access or to any of the private utilities that use the alley. Mr. Dobler reported that a total of 32 notices of tonight's public hearing were mailed with 5 responses - 3 in favor, 1 neutral and 1 opposed.

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

MOTION: Motion by Hassell, seconded by Kennedy to approve the vacation of a portion of the north-south alley in Block 10, Aresvik Addition. ROLL CALL: Bruning, Aye; Edinger, Aye; Goodlander, Aye; Hassell, Aye; Kennedy, Aye. Motion carried.

PUBLIC HEARING - A-5-08 - ANNEXATION/ZONING OF 2735 FERNAN HILL ROAD: Mayor Bloem reiterated the rules of order for this public hearing. John Stamsos, Senior Planner, gave the staff report.

Mr. Stamsos reported that Stephen B. Meyer is requesting annexation and zoning from County Restricted Residential to City R-3 for a +/- .989 acre parcel located at 2736 Fernan Hill Road.

Mr. Stamsos noted that the City had recently approved an agreement to allow Mr. Meyer to hook up to the City sewer system because their septic system had failed. This agreement allowed the applicants to immediately hook up to the sewer system but required that they complete the annexation process. He also noted that Panhandle Health required that they hook up to the sewer.

On September 9, 2008 the Planning Commission voted to approve the requested zoning for this property. On October 3, 2008 24 notices of tonight's public hearing were mailed with a total of 5 responses being received - 0 in favor, 2 opposed, and 3 neutral. Written comments were distributed to the Council for their review.

COUNCIL COMMENTS: Councilman Goodlander noted that the agreement is that the owner could hook up to the City sewer if they annexed their property. Councilman Hassell noted that it appears to be quite a distance from the subject property to the City sewer main. City Engineer Gordon Dobler responded that the applicant is running a pressure line from the corner of his property to the manhole and that the 3 homes between the subject property and the manhole will be added to the sewer line. Councilman Edinger asked if Mr. Meyer is paying for all of the extension line costs and if so, will he be reimbursed for the three additional homes being added to the line he is extending. Mr. Dobler responded that it is something that could be reviewed by our Legal Staff.

PUBLIC COMMENTS: Bob Redfearn, representing the applicant, 2735 Fernan Hill Road, noted that the applicant has spent approximately \$35,000 on this project. He also noted that the City is requesting that the applicant add an additional manhole. He commented that he doesn't believe Mr. Meyer would be asking for reimbursement in that he is simply looking to make the current home inhabitable. Glenda Hall, who lives in Hawaii, but owns property on the other side of Fernan Hill, noted that her concern is that the proposal is not in keeping with the design of this area and that the zone change will open the door for future development on small parcels.

COUNCIL DISCUSSION: Councilman Bruning asked what the current density is and what the city's equivalent is. Mr. Stamsos responded that the County has a minimum lot size of 3,850 sq. ft. or 5 units per acre, and tonight the applicant is requesting a density equal to 3 units per acre. Councilman Goodlander asked about the non-conforming lot.

Mr. Stamosos responded that the adjacent non-conforming lot could be built on, but other lots in the area would not be able to add buildings to their parcels without a zone change. Additionally, if one goes north of Fernan Hill Road the density is 1 home per 5 acres.

Councilman Kennedy asked if the zoning could be placed at an R-1 which is more in keeping with the county's zoning. Mr. Stamosos responded that the zoning surrounding this property is R-3 on Fernan Hill Road. Councilman Kennedy noted that the Comprehensive Plan noted that the lots should be 1 building for 5 acres except for where the R-3 zoning is compatible. Mr. Stamosos noted that this lot is on the Cherry Hill area which is R-3. Councilman Edinger asked about the easement that would need to be given to the non-conforming lot on the north side of the subject property. Mr. Stamosos responded that he has talked to the applicant and the applicant believes that an easement is doable. Mr. Redfearn confirmed that there is adequate space to provide a driveway easement to the non-conforming lot at the north end of this property. He also noted that they would never ask to build 3 homes on this parcel, but they would like to construct a home on the non-conforming lot. As for the portion of the parcel on the south side of Fernan Hill Road, he is planning on constructing a gazebo. Mr. Redfearn added that he has retained a drainage engineer who is looking at the drainage along this property.

Councilman Kennedy noted that he feels that the applicant is not simply asking for the city sewer in order to correct the failed drainage field but rather it appears that the applicant is looking for annexation to further develop the property for additional homes and a possible bed and breakfast on this site. Mr. Redfearn noted that this location has incentives for cluster housing in the City's zoning regulations. Mr. Stamosos reminded Council that tonight's public hearing is regarding the annexation and zoning of property and not possible future development

Councilman Goodlander asked if changing the zoning to R-1 would change the owner's ability to build on the nonconforming lot. Mr. Stamosos responded that even with an R-1 zoning they could build on the nonconforming lot. Councilman Edinger asked how long Mr. Meyer has owned this property. Mr. Redfearn responded 2 years. Councilman Hassell asked if the lots outside the city are an R-1 zoning or are they more of an R-3 zoning along Fernan Hill Road. Mr. Stamosos responded that some are less than an acre and so they would fit more in line with an R-3 zoning. Councilman Kennedy asked if the subject property were zoned an R-3 would they be able to build three homes. Mr. Stamosos responded that they can only build two buildings with an R-3 zone, one on the main lot and one on the non-conforming lot.

MOTION: Motion by Bruning, seconded by Goodlander to approve the annexation and R-3 zoning of the property located at 2735 Fernan Hill Road and to adopt the Findings and order of the Planning Commission and direct staff to negotiate an annexation agreement. **ROLL CALL:** Kennedy, No; Hassell, Aye; Goodlander, Aye; Edinger, No; Bruning, Aye. Motion carried.

EXECUTIVE SESSION: Motion by Hassell, seconded by Goodlander to enter into Executive Session as provided by I.C. 67-2345, § F: To communicate with legal counsel

for the public agency to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel as executive session does not satisfy this requirement; and §J: To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement.

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

The session began at 7:48 p.m. Members present were the Mayor, City Council, City Administrator, City Attorney, Deputy City Administrator.

Matters discussed were those of litigation and claims.

No action was taken and the Council returned to their regular meeting at 8:09 p.m.

ADJOURNMENT: Motion by Hassell, seconded by Goodlander to recess this meeting to October 23, 2008 at 12:30 p.m. for a Wastewater Dept. workshop in the Council Chambers and then recess to October 30, 2008 at 12:00 noon for a Ped/Bike Committee workshop in the Council Chambers. Motion carried.

The meeting adjourned at 8:09 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk