

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
NOVEMBER 1, 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 November, 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 was led by Ed Muehlbach.

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

PRESENTATION – ANNUAL LEAF PICKUP PROGRAM: Deputy City Administrator, Jon Ingalls, presented this year's Leaf Pickup Program. He asked that leaves/pine needles be placed in the streets no sooner than Nov. 7th and no later than Nov. 12th. The program will begin in the southern part of the City. He requested that the leaves/pine needles be placed about 1 foot away from the curb to prevent clogging our stormwater system.

PRESENTATION: PARKS DEPARTMENT: The Coeur d'Alene Kiwanis and Panhandle Kiwanis have contributed towards the construction of the park complex at Cherry Hill. The two groups presented the Council with a flag that flew over ground zero as well as \$20,000 in funds from each group to help with the construction of this park. The CDA BMX Association, who had constructed the BMX track at Cherry Hill, presented the City with a plaque in recognition of the City's support of the BMX organization. Chris Guggemos presented a plaque to the City for their continued support of the Summer Concert Series in the Park. Doug Eastwood thanked Handshake Productions for their 11 years of service in providing the annual concert series in the park. Doug Eastwood presented Jason Wheaton from Greenstone Homes, Inc. with a plaque from the Idaho Parks Association for their efforts in providing community parks. Mayor Bloem applauded Doug Eastwood for his passion and commitment to the citizens of Coeur d'Alene.

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 October 18, 25, 2005.
2. Setting the Public Works Committee and General Services Committee meeting for November 7, 2005 at 4:00 p.m.
3. RESOLUTION NO. 05-076: 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 ADDENDUM NO. 1 TO THE CONTRACT WITH COLEMAN OIL COMPANY FOR FUEL MANAGEMENT SERVICES; APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH KOOTENAI COUNTY AND THE COEUR D'ALENE FIRE DEPARTMENT FOR SATELLITE PHONES; AUTHORIZE THE DECLARATION OF SURPLUS OF CERTAIN AUDIO-VISUAL EQUIPMENT, ESTABLISHING A MINIMUM BASE VALUE AND AUTHORIZE STAFF TO ACCEPT BIDS WITH ANY DOLLARS RECEIVED PLACED BACK INTO THE AUDIO-VISUAL SUPPLIES ACCOUNT; AUTHORIZE THE TERMINATION OF THE CONTRACT WITH LONGWELL ARCHITECTS, PLLC FOR THE CITY HALL EXPANSION PROJECT; APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH ACCESSIBILITY DEVELOPMENT ASSOCIATES, INC. FOR DESIGN DEVELOPMENT AND REVIEW & TRAINING SERVICES; APPROVAL OF CHANGE ORDER NO. 2 WITH CONTRACTORS NORTHWEST FOR WWTP PHASE 4B APPROVAL OF AN AGREEMENT WITH COLUMBIA FIBER SOLUTIONS TO PROVIDE A DARK FIBER LINK BETWEEN THE CITY'S NETWORKS; APPROVAL OF A MEMORANDUM OF AGREEMENT WITH NORTHWEST PROPERTIES, LLC. FOR PUD-1-04 "RIVERWALK"; & APPROVAL OF AN AGREEMENT WAIVING OPPOSITION TO ANNEXATION AND PERMISSION TO CONNECT TO CITY WATER WITH ROBERT AND TERESA FARR
4. S-2-05 – Final plat approval for re-plat of Indiana Arms Condominium Plan.
5. Acceptance of permanent drainage easement at 17th and Haycraft.
6. Approval of cemetery lot transfer from Sam Coumbs to Samuel and Phyllis Coumbs.
7. Bid Award for purchase of street striping equipment from EZ-Liner Industries.

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

EAGLE SCOUT STATUS ACHIEVED: Councilman Goodlander announced that, Sam Hoggatt, who prepared the Stormwater video as his civic project in order to become an Eagle Scout, has achieved his goal and is now an Eagle Scout.

PSEUDOEPHEDRINE: Council President Reid announced that she has two sample ordinances for the General Services Committee to review regarding placing pseudoephedrines behind the counters in stores.

CITY LINK: Council President Reid announced that there will be a celebration on Thursday at 10:30 a.m. at Riverstone to commemorate the beginning of the new bus route system that will connect Coeur d'Alene, Post Falls, Hayden, Plummer and Worley. She thanked the Coeur d'Alene Tribe for providing this service to Kootenai County and noted that the bus schedules will be placed on the City's web site at www.cdavid.org

CANDIDATES FORUM: Councilman Wolfinger announced that the Candidates Forums sponsored by the Chamber of Commerce and the League of Women Voters/CDA TV Ad Hoc Committee are being aired twice a day at 9:00 a.m. and 6 p.m. He reminded citizens that they can vote absentee until Election Day at either City Hall or the County election's office. Additionally, he announced that on CDA TV Channel 19 the forum regarding the ½ sales tax will be aired Wednesday evening at 7:00 p.m.

HALLOWEEN: Councilman McEvers reported that he was asked by a 10-year-old boy if the City could move Halloween to a Friday. City Attorney Mike Gridley responded that they look into this issue.

APPOINTMENT – LIBRARY BOARD: Motion by Edinger, seconded by Goodlander to approve the appointment of Shelly-Lloyd-Davies as the student representative to the Library Board. Motion carried.

LAND DONATION – COPPER RIDGE: Motion by Hassell, seconded by Goodlander to accept the land donation within the Copper Ridge Subdivision and that the recommendation of the Open Space Ad Hoc Committee be included in the acceptance of the property. Motion carried.

4-WAY STOP AT HONEYSUCKLE AND LUNCEFORD AVENUES: Motion by Reid, seconded by Edinger to authorize the installation of a 4-way stop sign at the intersection of Honeysuckle and Lunceford Ave. Motion carried.

PUBLIC HEARING – O-4-05 - AMENDMENTS TO MUNICIPAL CODE, TITLE 17: Mayor Bloem read the rules of order for this public hearing. Warren Wilson, Deputy City Attorney, gave the staff report.

Mr. Wilson reported that, at the direction of the General Services Committee, the Legal Department researched the issues regarding felons on probation or parole and registered sex offenders (RSO's) living in residential neighborhoods. Additionally, the Legal

Department was asked to make recommendations for dealing with RSO's residing in the City.

As a result of their research the following recommendations were made:

1. Group Dwellings and Boarding Houses: Amend the zoning code regarding group dwellings and boarding houses to clearly distinguish them from criminal transitional facilities and juvenile offender facilities. Also, clarify the procedure for a special use permit.
2. Criminal Transition Facilities and Juvenile Offender Facilities: Amend the zoning code so that a special use permit is required for any facility that houses three or more felons who are on probation or parole or three or more juvenile offenders. Factors to be looked at when considering approval of a special use permit include type of offense giving rise to the probation or parole, the number of residents and the location of the facility.
3. Definition of "Family": Amend the zoning code definitions to correct our currently unconstitutional and unenforceable definition of "family" for the purposes of residential zoning codes. Under the amended definition, up to four unrelated persons could live together, unless they are felons on probation or parole or juvenile offender.
4. Registered Sex Offenders: At this time, due to existing court challenges and the likelihood of state legislation expanding the supervision of RSO's in Idaho, the Legal Department does not recommend adopting any City regulations regarding RSO's.

Council President Reid requested that staff make sure that Anchor House and Project Safe Place are not negatively impacted by these amendments. She also asked if these amendments would negatively impact elderly care homes such as Beehive Homes. Warren Wilson responded that these amendments are directed towards R-1, R-3, and R-5 zones and believes that these types of facilities are located in the higher density residential zones.

PUBLIC COMMENTS: Bill McCrory, 6065 N. Harcourt Drive, supports the amendments but wanted to know how it affects revolving-door residents and who will enforce the zoning ordinances to assure code compliance. Susan Snedaker, 821 Hastings, commented on her efforts in bringing forward this issue. Sundi Seibert, 803 E. Hastings Ave., spoke in support of the proposed regulation amendments. Garth Mickelson, Hayden Lake, Idaho, asked how the community could help these probationers/parolees who are in transition. He asked citizens to open their homes to help these people transition back into the community.

ORDINANCE NO. 3238
COUNCIL BILL NO. 05-1035

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 17.02.045 REGARDING THE DEFINITION OF DWELLING UNIT, GROUP; AMENDING SECTION 17.02.055 REGARDING THE DEFINITION OF FAMILY; AMENDING

SECTION 17.03.030 REGARDING THE DEFINITION OF RESIDENTIAL ACTIVITIES; AMENDING SECTION 17.03.040 REGARDING THE DEFINITIONS OF CRIMINAL TRANSITIONAL FACILITY AND JUVENILE OFFENDERS FACILITY; 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 Wolfinger, seconded by Hassell to pass the first reading of Council Bill No. 05-1035.

DISCUSSION: Council President Reid asked that staff look to assure that this ordinance would not negatively impact the Anchor House and Project Safe Place as well as Beehive Homes.

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

Motion by Edinger, seconded by Goodlander to suspend the rules and to adopt Council Bill No. 05-1035 by its having had one reading by title only.

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

PUBLIC HEARING – AMENDING PARKING VIOLATIONS FEES: Mayor Bloem read the rules of order for this public hearing. Mike Gridley, City Attorney gave the staff report.

Mr. Gridley reported that the Parking Commission had recommended the changes to the City's fee structure for parking violations. Parking violation fees were previously established via Municipal Code 10.27.020, but that Ordinance was amended on August 16, 2005 and now requires parking fees to be established by Resolution.

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

RESOLUTION NO. 05-077

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING PARKING VIOLATION FEES.

Motion by Edinger, seconded by Wolfinger to adopt Resolution 05-077.

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

EXECUTIVE SESSION: Motion by Wolfinger, seconded by Reid to enter into Executive Session as provided by Idaho Code 67-2345: 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.

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

The session began at 7:38 p.m. Members present were the Mayor, City Council, City Administrator, and City Attorney.

Matters discussed were those of personnel issues and pending litigation. No action was taken and the Council returned to regular session at 8:10 p.m.

LIBRARY BUILDING: The Council discussed the Library Building timeline.

ADJOURNMENT: Motion by Wolfinger, seconded by Goodlander that this meeting be continued to November 8th at 12:00 noon in the Council Chambers and then to November 14th at 8:30 a.m. in the Council Chambers. Motion carried.

The meeting adjourned at 8:45 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk