

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 16, 2004

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 16, 2004 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Loren Edinger)	Members of Council Present
Al Hassell)	
Woody McEvers)	
Ben Wolfinger)	
Deanna Goodlander)	
Dixie Reid)	

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

INVOCATION: Reverend Ron Hunter, Church of the Nazarene, gave the invocation.

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

PROCLAMATION – "FAMILY WEEK: On behalf of Mayor Bloem, Councilman Wolfinger read the proclamation declaring the week of November 21st as Family Week in the City. Tinka Schaffer from the Children's Village accepted the proclamation. Ms. Schaffer also encouraged all residents to send an e-mail to our soldiers in Iraq by going to www.nationalfamilyweek.org.

PRESENTATION – CDA PARKS FOUNDATION: Steve Wetzel, President of the City's Parks Foundation, introduced the members of the Board of Directors to the Parks Foundation. He distributed a copy of a letter of thanks to the Council for creating the board and to show the Foundation's letterhead. He reviewed the mission statement of the Foundation and pointed out that the Foundation is a non-profit entity 501 C3 approved by IRS and a tax exempt organization which means any donations are tax deductible. He presented a commemorative spike taken from the railroad that had recently been removed from the City Park after being located there since 1903. He announced that the Foundation does have additional railroad spikes for sale as a fund raiser for \$15.00 each and are available at Everson's Jewelry, Great Harvest Bread, Runge Furniture or the Parks Department.

PRESENTATION – STRIP MINING: Jim Brady, Department of Lands, and is responsible for administering the Surface Mining Act of Idaho. Their responsibilities

include protecting ground and surface waters, and ground reclamation. During recent subdivision developments, the top soil has been removed from the sites which could not only burden future homeowners but also the aquifer. The top soil is then sold to other communities or back to the homeowners. He reviewed the process used to repair damage done by removing top soil from a subdivision. He explained the necessity of top soil for plant growth. He stressed that the top soil needs to be restored to the subdivisions being created to protect the homeowners, city utilities and ultimately the aquifer. He suggested that the city's Comprehensive Plan contain regulations to protect the top soil.

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

1. Approval of minutes for November 2, 2004.
2. The Public Works Committee and General Services Committee meetings have been cancelled for November 22, 2004.
3. RESOLUTION 04-101: 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 REIMBURSEMENT AGREEMENT WITH THE LANDINGS AT WATERFORD SUBDIVISION FOR INSTALLING A 12' WATER MAIN ALONG ATLAS ROAD; APPROVAL OF AN ENGINEERING ASSISTANCE AGREEMENT WITH HDR ENGINEERING, INC. FOR TMDL REVIEW, NPDES PERMIT NEGOTIATION SUPPORT, AND WASTEWATER TREATMENT PROCESS UPDATE AND APPROVAL OF CHANGE ORDER NO. 1 WITH J-U-B ENGINEERS, INC. FOR THE NORTHWEST BOULEVARD CENTENNIAL TRIAL.
4. RESOLUTION 04-102: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO APPROVING REVISED STANDARD DRAWINGS FOR PUBLIC WORKS CONSTRUCTION.
5. Declaring the 3rd Street Boat Launch Repair bid as non-responsive and authorizing staff to negotiate an agreement.
6. Award of bid for the Fire Department's purchase of a 3/4 ton pickup
7. Setting of a public hearing for the US Bank Grant application for December 7, 2004
8. Rejecting all bids and authorizing staff to re-bid the Centennial Trail Construction project
9. Approval of Bills as submitted.
10. SS-11-04 - Final Plat Approval for Decker Addition
11. Setting of Public Hearings: O-5-04 (subdivision replat fees) and O-6-04 (Lighting Standards and Guidelines) both for December 21, 2004.
12. Approval of Beer/Wine license for Angelo's Ristarante.

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

FREQUENTLY ASKED QUESTION: I don't like the taste of chlorine in my water, why is it added and how can I remove it. Water Superintendent, Jim Markley, responded that chlorine is added at the pump houses for to meet health requirements. He recommended that a filter containing granular activated charcoal be used to remove the taste or you can simply let the water stand in a pitcher for a short while and it will fade away.

CITY HALL PHONE OUTAGE: Councilman Hassell expressed his appreciation to the staff of ComWorld and Quest for their work in getting the City's phone lines back in working order. He also asked the Mayor to sign a letter thanking them for their efforts.

LEAF PICKUP: Councilman McEvers thanked the Street Department for picking up the city's leaves throughout the city.

OPEN HOUSE FOR RETIRING LIBRARY DIRECTOR: Councilman Goodlander announced that the Library will be hosting an open house in honor of Julie Meier who is retiring this month. The open house will be held at the Library from 11:00 a.m. to 2:00 p.m. this Thursday, November 18th. She also noted that the Library is accepting donations of gently used books for a book sale Dec. 18th and 19th and also the Library will be gift wrapping as a fund raiser. The Library Calendar is now on sale at the Library and various businesses for \$15.00 each. Profits from the calendar sales goes to the new Library.

SHERMAN AVENUE GARDEN PROJECT: Mayor Bloem announced that the process for this request is as follows: Before any Council decision is made, it is intent of the Council to conduct two workshops which will be open to the public. The first workshop will be Dec. 13th at 5:30 p.m. at the County meeting rooms. The 2nd workshop will be conducted during the latter part of January.

EXECUTIVE TEAM REPORT: On behalf of the Executive Team, Troy Tymesen, announced the following: The city is always looking for interested citizens to serve on its boards, commissions and committee, please contact Victoria Bruno for further information; Leaf Pickup began this Monday and should be completed by Thanksgiving; the City is recruiting for a Library Director, deadline for submitting an application is December 10th; the Coeur d'Alene Police Department is actively recruiting volunteers, anyone interested may contact Wally Conally at the Police Station; the State Bond Bank completed its first loan issuance of which the city participated which saved the City \$1.99, but more importantly helped to keep the state in good financial shape.

ACCEPTANCE OF DONATION - BANDSHELL PAINTING: Motion by Wolfinger, seconded by Edinger to accept the donation and to have the Mayor send a letter accepting the donation of the bandshell being painted by Renovations, Inc. Motion carried.

ACCEPTANCE OF PLAYGROUND EQUIPMENT GRANT: Motion by Hassell, seconded by to accept the playground equipment grant for Northwood Park. Motion carried.

RESOLUTION 04-105

RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO SUPPORTING A PROPOSAL REGARDING MAINTAINING THE CURRENT SUMMER LAKE LEVEL AND ESTABLISHING A MINIMUM STREAM FLOW IN THE SPOKANE RIVER DURING THE AVISTA RELICENSING PROCESS.

DISCUSSION: Council President Reid noted that we are drawing down the lake level by 3' by extending the summer lake level through October. Councilman Wolfinger asked if this would cause more of a hazard to the beach along the river. Steve Anthony noted that for the one month of September it would not have a great effect on the aquatic growth. Steve Anthony noted that by extending the summer lake level it would allow Post Falls to extend their boating season on the river.

Motion by Reid, seconded by Wolfinger to adopt Resolution 04-105.

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

RESOLUTION 04-103

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR DEMOLITION OF A BUILDING AT 1309 FRONT STREET, WITH CANNON HILL INDUSTRIES INC., ITS PRINCIPAL PLACE OF BUSINESS AT E. 5605 SELTICE WAY, POST FALLS, IDAHO 83854.

Motion by Reid, seconded by McEvers to table the motion until December 7, 2004.

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

RESOLUTION 04-104

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH RICHARD AND DEBBIE GARNETT ALLOWING AN EXTENSION OF TIME TO BRING 1309 FRONT STREET INTO COMPLIANCE BY DECEMBER 7, 2004.

Motion by Reid, seconded by Edinger to adopt Resolution 94-104.

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

PUBLIC HEARING - ZC-7-04 - ZONE CHANGE AT 1836 NORTHWEST

BOULEVARD: 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 John Buetler, the location as 1836 Northwest Boulevard and the reason for the request as a zone change from R-12 to C-17.

He went on to give the staff analyses for land use, zoning, utilities, traffic and streets. He reported that on October 12, 2004, the Planning Commission recommended approval of this zone change.

On October 29, 2004, a total of 122 notices were mailed with 6 responses being received: 2 in favor, 1 opposed, 3 neutral. Written comments were distributed for Council review.

PUBLIC COMMENTS: John Buetler, applicant, noted that the plan is to construct office buildings on this property.

MOTION: Motion by Edinger, seconded by Goodlander to approve the requested zone change and to adopt the Findings and Order of the Planning Commission. **ROLL CALL:** Edinger, Aye; Goodlander, Aye; Hassell, Aye; McEvers, Aye; Reid, Aye; Wolfinger, Aye. Motion carried.

PUBLIC HEARING - A-3-04 - ANNEXATION/ZONING OF CENTRAL PREMIX

SITE AT 2800 SELTICE WAY: Mayor Bloem reiterated the rules of order for this public hearing. John Stamos, Associate Planner, gave the staff report.

Mr. Stamos gave the applicant's name as Riverstone West, LLC, the location as approximately, a 77-acre parcel containing the Central PreMix facilities adjacent to the Riverstone development and the reason for the request as annexation and a C-17 zoning.

He went on to give the staff analyses for land use, neighborhood characteristics, zoning, comprehensive plan, utilities, streets and traffic. On October 12, 2004 the Planning Commission recommended approval of this request with the following provisions to be included in an annexation agreement: 1) Consider a bike path, as indicated in the 2003 Coeur d'Alene Bikeways Plan and 2) Consider existing water rights, as discussed in the Planning Commission public hearing.

He reported that on October 29, 2004 164 notices of this public hearing were mailed with 3 neutral responses being received. Written comments were distributed for Council review.

DISCUSSION: Council President Reid noted that the issue with water rights has already been settled through Council action a few meeting ago.

PUBLIC COMMENTS: Janet Robnett, PO Box E, Coeur d'Alene, representing the

applicant, noted that the proposed property is within the Area of City Impact and is consistent with the City's Comprehensive Plan. The water rights issue will be worked through as part of the annexation agreement. Additionally the bike path is planned by the developer and will be a part of the annexation agreement. Mike Craven, Riverstone Development, noted that although they do not have a specific land plan, they see this property as an extension of Riverstone with a mixed use of residential, retail and commercial. They also plan to construct a six acre lake with green space surrounding the lake. They also plan to have the Centennial trail as part of their project and to extend Riverstone Drive which is the main street that abuts this land. The first phase is planned to be next spring which is 40 acres of the 77 acres.

DISCUSSION: Councilman Wolfinger noted that 164 notices were sent with 3 responses being received so not a whole lot needs to be said about this request. Councilman McEvers asked when we ask staff to negotiate, are we asking for are we thinking about all the things we would like to have that are negotiable so we can make sure that everyone is being treated equally. Councilman Wolfinger noted that the bike path, land use and centennial trail are already a part of this project. Councilman Hassell asked that staff look at the future alignment of Seltice Way.

MOTION: Motion by Wolfinger , seconded by Edinger to approve the annexation and requested zoning of C-17, to adopt the Findings and Order of the Planning Commission and to direct staff to negotiate an annexation agreement including the bike path provision as recommended by the Planning Commission. **ROLL CALL:** Goodlander, Aye; Hassell, Aye; McEvers, Aye; Reid, Aye; Wolfinger, Aye; Edinger, 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 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: Wolfinger, Aye; Hassell, Aye; Goodlander, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye. Motion carried.

The session began at 7:32 p.m. Members present were the Mayor, City Council, City Administrator, Finance Director and City Attorney.

Matters discussed were those of property acquisition, labor negotiations and pending litigation.

No action was taken and the Council returned to regular session at 9:32 p.m.

ADJOURNMENT: Motion by Reid, seconded by Edinger, to recess this meeting to

November 23rd at 11:00 a.m. in the Council Chambers. Motion carried.

The meeting recessed at 9:32 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk