

**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 18, 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, November 18, 2003 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Dixie Reid) Members of Council Present
Chris Copstead)
Deanna Goodlander)
Ben Wolfinger)
Woody McEvers)
Loren Edinger Arrived 7:33 p.m.)

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

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

PLEDGE OF ALLEGIANCE: Council President Reid led the pledge of allegiance.

PRESENTATION – STORMWATER CITIZEN'S ADVISORY COMMITTEE:

Dan Yake, Project Coordinator, introduced Tom Messina, Chairman of the Advisory Committee. Mr. Messina introduced Mr. Sean Pigott, consultant for the Stormwater Advisory Committee, who presented the Council with an update on the activities of the Committee including public outreach, imminent regulations, utility cost breakdown and the proposed capital improvement program. Lori Barnes reviewed the outreach activities of this Committee for educating the public on the need for a stormwater utility within the City.

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

1. Approval of minutes for November 4, 10, 2003.
2. Setting of General Services and Public Works Committees for Nov. 24th at 4:00 p.m.
3. RESOLUTION 04-004: 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 ACCEPTANCE OF A LETTER OF ENGAGEMENT WITH MAGNUSON, MCHUGH & COMPANY, P.A. , FOR AUDIT SERVICES; APPROVAL OF A GRANT WRITING SERVICES AGREEMENT WITH

PANHANDLE AREA COUNCIL FOR THE THREE-YEAR TERM GRANT WRITING AND ADMINISTRATION PROJECT; APPROVAL OF CHANGE ORDER NO. 1 WITH RIVERLAND EXCAVATING, INC. FOR THE FRUITLAND LANE SEWER PROJECT; APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH WELCH COMER AND ASSOCIATES FOR THE COEUR D'ALENE GOLF COURSE WELL INTERTIE FEASIBILITY STUDY; APPROVAL OF A MEDICAL SERVICE SAVING ACCOUNT PLAN AND APPROVAL OF S-7-02 - FINAL PLAT APPROVAL AND MAINTENANCE /WARRANTY AGREEMENT FOR BRIARWOOD 1ST ADDITION.

4. RESOLUTION 04-010 - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO APPROVING A FAIR HOUSING POLICY.
5. RESOLUTION 04-011 - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING A RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN (UNDER SECTION 104(D) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED).
6. RESOLUTION 04-012 - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING GRIEVANCE POLICIES AND PROCEDURES TO MEET THE REQUIREMENTS OF SECTION 504 OF THE REHABILITATION ACT AS AMENDED AND THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA).
7. RESOLUTION 04-013 - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING A POLICY REGARDING NONDISCRIMINATION ON THE BASIS OF DISABILITY.
8. Award of bid for the purchase of four (4) patrol vehicles.
9. Approval of bills as submitted and on file in the City Clerk's Office.
10. Declaration of surplus property for a broken desk at the Library
11. Approval of purchase of steel roof cover for the Parking Enforcement vehicle
12. Setting of public hearing for A-7-03 - annexation of 2.24 acre parcel at the north end of Lilac Lane for Dec. 16, 2003.
13. Acceptance of right-of-way for the Government Way Project.
14. Approval of cemetery lot repurchases from Katrina Penson and the estate of Frances Benson.

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

PUBLIC HEARING – NUISANCE ABATEMENT - 918 BANCROFT AVENUE:

Mayor Bloem announced the rules of order for this public hearing. No Council member declared a conflict of interest. Wes Somerton, Deputy City Attorney, gave the staff report.

Mr. Somerton reported that in 1987 the City of Coeur d'Alene received the first complaints against Kenneth and Marie Swan for creating a nuisance in their yard by accumulating dismantled and inoperative vehicles. An abatement complaint was filed

against the Swan property pursuant to M.C. 8.28.010. Judge Judd found that several nuisances existed on this property and ordered the property cleaned up. Mr. Somerton reported that one of the three inoperable vehicles has been on this property since 1989 and have not moved from their location since that time. He noted that a copy of the 1987 Memorandum of Decision from Judge Judd is in the Council packet for their review. He reported that the City had sent a letter notifying the Swans of the need to remove the vehicles from the property in 1999. He presented several exhibits showing the attempts made by the City to contact the Swans regarding this issue including correspondence and field site visits with no action being taken by the property owners. He stated that the Council needs to determine if a nuisance exists and if so, the Council needs to determine a remedy which staff suggests Council require the Swan's to remove the vehicles within a certain time frame and if the vehicles are not removed authorize City staff to remove the vehicles and charge the cost to the property owners. If, the property owners do not pay the costs within a reasonable period of time, authorize staff to refer the costs to the tax rolls.

Public Comments: Phillip Waring, 912 Bancroft, lives across the street from the cars. He noted that there are three abandoned vehicles on the property, which includes a white truck that has been there for the past four years and which he did include in his original complaint. He feels that the vehicles are an eyesore and a blight on the community and hopes that the City will help relieve the neighbors of this problem. Richard Nibbs, stated that although he lives about two blocks away from this property, he avoids driving guests down this block due to the large amount of junk accumulated on this property. Mary Jo Brooks, 901 Bancroft, feels that Mrs. Swan does need to take responsibility in cleaning up this property.

Motion by Copstead, seconded by Reid finds that a nuisance exists at 918 Bancroft Avenue per M.C. 8.28.010 and therefore requires the property owner to abate the two abandoned vehicles within 5 calendar days and if the abatement is not completed within this time frame, direct staff to proceed with the abatement and assess costs of the abatement against the owner and property and to further direct the Code Enforcement Officer to complete an inventory of the property and prepare a list for presentation to the owners with a requirement that that abatement take place within 21 days. If the abatement is not done, the City will go through this same procedure as completed tonight to resolve this issue. ROLL CALL: Wolfinger, Aye; Copstead, Aye; McEvers, Aye; Reid, Aye; Goodlander, Aye. Motion carried.

PUBLIC HEARING - ZC-7-03 - ZONE CHANGE AT 3909 N. SCHRIEBER WAY: Mayor Bloem re-iterated the rules of order for a quasi-judicial public hearing. No Council member declared a conflict of interest. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos gave the applicant's name as Craig Singer, the owner as Walt Singer, the location as 3909 Schreiber Way and the reason for the request as a zone change from LM (Light Manufacturing) to C-17L (Commercial Limited).

He went on to give the staff analyses for land use, zoning, Comprehensive Plan, and traffic and streets. On October 14, 2003, the Planning Commission recommended approval of this zone change.

Mr. Stamos reported that a total of 12 notices of this public hearing were mailed on October 3, 2003 with 1 response being received in favor of the requested zone change. Written comments were distributed for Council review.

Public Comments: Craig Singer, 11463 W. Riverview Dr., Post Falls, ID 83854, spoke as the primary applicant, noting that some of the requested uses for this property are a childcare facility and religious assembly.

Motion by Goodlander, seconded by McEvers to approve the zone change and to adopt the Findings and Order of the Planning Commission. ROLL CALL: Copstead, Aye; Goodlander, Aye; McEvers, Aye; Reid, No; Wolfinger, Aye. Motion carried.

PUBLIC HEARING - EXTENSION OF THE TERM OF THE LAKE

REDEVELOPMENT DISTRICT: Mayor Bloem gave the rules of order for this public hearing. Tony Berns, Executive Director for the Lake City Development Corporation, gave the staff report.

Mr. Berns reported that on December 16, 1997 the Council adopted Ordinance No. 2842 creating the Lake Redevelopment District and plan for a term of 15 years through 2012. The Lake City Development Corporation is requesting an extension for an additional 9 years for a total of 24 years through 2021 as provided by law. He noted that this district includes the Downtown area, Midtown area and the Northwest Boulevard area.

Public Comments: Rick Currie, Kootenai County Commissioner, noted that the County supports the economic development but does have a concern regarding the deferred tax revenue being over a longer period of time and hopes that the City would include an early payout provision and a provision for early retirement as soon as feasible. Ruth Pratt, coordinator for the Library Foundation, spoke in support of the term extension of this redevelopment district. Charlie Nipp, LCDC Chairman, feels that their mission is sacrificed by time and this extension of time is critical to continue to proceed with the capital projects being planned today. Larry Comer, a business owner in this district, spoke in support of the extension of time. Del Hatch, 6775 Davenport, Dalton Gardens, spoke in support of the extension of time. Troy Tymesen, City's Finance Director, spoke in support of the extension of time.

ORDINANCE NO. 3154

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO, APPROVING THE AMENDED AND RESTATED MIDTOWN-NORTHWEST BOULEVARD DOWNTOWN URBAN RENEWAL PLAN (NOW REFERRED TO AS THE LAKE DISTRICT URBAN RENEWAL PROJECT PLAN;

WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVIDINGS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by Copstead to pass the first reading of Ordinance No. 3154 and to adopt all Findings presented and required by law.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3154 by its having had one reading by title only.

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

SUMMARY - ORDINANCE NO. 3154: Motion by Reid, seconded by Wolfinger to approve the summary of Ordinance No. 3154 for publication purposes. ROLL CALL: Edinger, Aye; Copstead, Aye; Goodlander, Aye; Wolfinger, Aye; McEvers, Aye; Reid, Aye. Motion carried.

PUBLIC HEARING - CREATING THE RIVER REDEVELOPMENT DISTRICT: Mayor Bloem read the rules of order for this public hearing. Tony Berns, Executive Director, Lake City Development Corporation, gave the staff report.

Mr. Berns reported that the Lake City Development Corporation is proposing the creation of a new redevelopment district, which extends from the eastern boundary of the city of Huetter heading easterly to the west boundary of Riverstone Development and excluding the Stimson Mill property. He reported that the Lake City Development Corporation has completed an Eligibility Report as required for the formation of a district. He noted that the Redevelopment Plan has been reviewed by the Planning Commission, and on October 14, 2003, the Planning Commission found that the plan is in compliance with the Comprehensive Plan. He noted that the River Redevelopment District is proposed for a 24-year period from 2003 through 2027.

Public Comments: Chuck Lempeis, attorney for the owners of the Crown Pacific property, who believes that the Lake City Development Corporation is an excellent corporation, noted that the 24-year term is a reasonable time line. Charlie Nipp, LCDC Chairman, noted that redevelopments take time and with 2 Council members serving on the LCDC Board, that the Council is well represented. Troy Tymesen, Finance Director, encouraged the Council to approve this Redevelopment District.

ORDINANCE NO. 3155

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO, APPROVING THE RIVER DISTRICT REDEVELOPMENT PLAN, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS; APPROVING THIS SUMMARY OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Goodlander, seconded by Edinger to pass the first reading of Ordinance No. 3155 and all findings as presented and required by law.

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

Motion by Edinger, seconded by Reid to suspend the rules and to adopt Ordinance No. 3155 by its having had one reading by title only.

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

SUMMARY - ORDINANCE NO. 3155: Motion by Goodlander, seconded by Wolfinger to approve the Summary of Ordinance No. 3155 for publication purposes.

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

PARKS AND RECREATION : Councilman Copstead announced that the City has the largest basketball program in this area. He also announced that tai chi, volleyball, swim lessons and dance lessons are being provided by the Recreation Department throughout this winter. The Special Needs Program will be hosting a pizza party fund raiser to be held at Godfather's on Tuesday Nov. 25th. He also noted that the Special Needs program recently received a grant for \$2,500 from Stimson Lumber.

PROJECT SAFE PLACE: Councilman Wolfinger announced that there will be a fundraiser for Project Safe Place at the Eagles Lodge this Saturday. He also welcomed former Councilman Jim Michaud's wife back home after an extended illness.

LIBRARY ACTIVITY: Councilman Goodlander announced that the Library will be hosting an educational program entitled Club Drugs and Kids on November 26th at the Library. She encouraged every parent to attend this informational meeting.

EXECUTIVE TEAM REPORT: Executive Team Leader, Wendy Hague, stated that Leaf Pickup is planned to be completed by Wednesday. Due to this recent storm, staff is hoping to be able to go back this weekend and cleanup the debris caused by the high winds. The City has a new non-working street light program and encouraged citizens to report any street light outage through the City's web site or call 769-2215. The Idaho Christmas tree to be displayed at the Nation's Capital will be in Cd'A this Saturday. Construction has begun on a new signal at 4th and Lunceford which is hoped to be completed by the opening of the new Costco store.

ORDINANCE NO. 3156

AN ORDINANCE AMENDING CHAPTER 15.24 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO PROVIDE FOR A NEW SECTION, TO BE DESIGNATED SECTION 15.24.213 TO ALLOW SIGNS IN THE RIGHT-OF-WAY THAT SHALL BEAR THE NAME OF THE ABUTTING RESIDENTIAL OR COMMERCIAL SUBDIVISION ONLY AND TO ESTABLISH CRITERIA THEREFORE; TO AMEND SECTION 15.24.460 TO RECOGNIZE THE EXCEPTIONS CREATED BY THE NEW SECTION; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF.

Motion by Copstead, seconded by Wolfinger to pass the first reading of Ordinance No. 3156.

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

Motion by Wolfinger, seconded by Edinger to suspend the rules and to adopt Ordinance No. 3156 by its having had one reading by title only.

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

ORDINANCE NO. 3157

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING CHAPTER 9.52 ENTITLED "DANGEROUS WEAPONS" AND ADDING A NEW CHAPTER 9.52 ENTITLED "WEAPONS" TO PROVIDE PROHIBITIONS FOR DISCHARGE OF WEAPONS WITHIN THE CITY LIMITS AND PROHIBITIONS OR POSSESSION OF WEAPONS AT PARADES OR PUBLIC ASSEMBLIES; 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. 3157.

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

Motion by Wolfinger, seconded by Copstead to suspend the rules and to adopt Ordinance No. 3157 by its having had one reading by title only.

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

RESOLUTION 04-014

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AGREEMENTS FOR ANIMAL IMPOUNDMENT SERVICES, WITH KOOTENAI HUMANE SOCIETY, ITS PRINCIPAL PLACE OF BUSINESS AT P. O. BOX 1005, HAYDEN, IDAHO 83815.

Motion by Copstead, seconded by Reid to adopt Resolution 04-14.

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

FINANCING PLAN - THE "RIVER" REDEVELOPMENT DISTRICT: Finance Director, Troy Tymesen reported that it is recommended by staff that the City provide the new district with start up funding of up to \$500,000. Motion by Copstead, seconded by Reid to approve the Financing Plan for the River Redevelopment District as presented.

ORDINANCE NO. 3158

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING PORTIONS OF UNDEVELOPED RIGHTS-OF-WAY IN THE AMENDED PLAT OF THE HAYDEN IRRIGATED TRACTS SUBDIVISION, RECORDED IN BOOK "C" OF PLATS, PAGE 67, RECORDS OF KOOTENAI COUNTY, IDAHO, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by Edinger to pass the first reading of Ordinance No. 3158.

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

Motion by Wolfinger, seconded by Goodlander to suspend the rules and to adopt Ordinance No. 3158 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.

EXECUTIVE SESSION: Motion by Reid, seconded by Copstead to enter into Executive Session as provided by I.C. Section 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: Edinger, Aye; Wolfinger, Aye; Copstead, Aye; McEvers, Aye; Reid, Aye; Goodlander, Aye. Motion carried.

The session began at 8:45 p.m. Members present were the Mayor, City Council, City Administrator and City 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 9:45 p.m.

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

The meeting adjourned at 9:45 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk