

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 20, 2007

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 20, 2007 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Al Hassell)	Members of Council Present
Woody McEvers)	
Loren Edinger)	
Deanna Goodlander)	
Mike Kennedy)	
Dixie Reid)	

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 Reid led the pledge of allegiance.

PROCLAMATION - FAMILY WEEK: Councilman Kennedy read the proclamation on behalf of Mayor Bloem who proclaimed the week of November 18-24, 2007 as "Family Week" in the City. Teri Heinrich from the Children's Village accepted the proclamation.

PUBLIC COMMENTS:

GRANT ADMINISTRATION SERVICES – HUD FUNDING: Larry Siglin, 1988 Gunther Avenue, read a letter from Meredith Bryant, 1988 Gunther Avenue, who submitted a proposal for administering the grant funds, requested that the Council reject the letter of agreement with Panhandle Area Council and re-issue a request for proposals. Deputy City Attorney Warren Wilson noted that the City followed all State and City rules regarding request for proposals in this process. Councilman Edinger asked if the Council could hold off taking action on this agreement tonight. Project Coordinator Renata McLeod noted that it was hoped that the Council would act on this agreement as there is training in December for administering HUD funds. She noted that the City has contracted with PAC on several other grant projects. Mayor Bloem asked if anyone asked for additional information prior to submitting their proposal. She responded that the three organizations were provided the same RFP information and that only PAC called for additional information prior to submitting their RFP.

Motion by Hassell, seconded by Reid requested that Resolution 07-069 be brought forward at this time. Motion carried.

RESOLUTION NO. 07-069

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A LETTER OF AGREEMENT FOR GRANT ADMINISTRATION SERVICES FOR HUD FUNDS, WITH PANHANDLE AREA COUNCIL.

PUBLIC COMMENTS: Harold Hocker, 1413 E. Spokane Ave., voiced his concerns that the City doesn't know all the details of HUD and does not want the taxpayers "stuck" if the funds are not administered correctly. Larry Siglin, 1988 Gunther Avenue, believes that when PAC called and asked for additional information that the City should be responsible for passing that same information along to the other applicants. Jim Brannon, 1310 Bering, voiced his concern that the City is not complying with HUD requirements in that the City does not have an Action Plan and public comments on this plan are required prior to obtaining funding. Project Coordinator Renata McLeod noted that the Consolidated Plan was placed on the web site over a month ago and the Action Plan was also posted on the web site as soon as it was available. She did note that the Action Plan has been submitted to HUD and she feels confident that all the requirements for HUD funding have been met.

Motion by Kennedy, seconded by Edinger to table Resolution 07-069 for two weeks in order to gather information from HUD and staff. Motion carried.

ASSISTANCE FOR HOMELESS FAMILIES: Earl Kendle, 1597 E. Cromwell Drive, announced that Family Promise is now available in Coeur d'Alene and is established to provide a day center that will give assistance to homeless families including financial counseling, bathing facilities, and computer access. The maximum number of families they will host is five with a maximum of 14 people. People needing assistance could call 699-4133.

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

1. Approval of minutes for November 6, 13, 14, 2007.
2. Setting of the Public Works Committee and General Services Committee meetings for November 26, 2007 at 4:00 p.m.
3. RESOLUTION 07-068: 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 CONTRACT WITH INHS/HEALTH TRAINING NETWORK TO AUTHORIZE THE FIRE DEPARTMENT AS A TRAINING SITE AND TO PROVIDE CPR & FIRST AID TRAINING; APPROVAL OF A FRONTAGE IMPROVEMENT AGREEMENT WITH A THOUSAND HILLS, LLC FOR STREET IMPROVEMENTS AT THE CORNER OF GOVERNMENT WAY AND HANLEY AVENUE; DECLARING CERTAIN COMPUTER HARDWARE & SOFTWARE AS SURPLUS AND AUTHORIZING STAFF TO

DISPOSE OF ZERO-VALUE HARDWARE; DECLARING CERTAIN POLICE DEPARTMENT PROPERTY AS SURPLUS AND AUTHORIZING STAFF TO DISPOSE OF ZERO-VALUE PROPERTY AND APPROVAL OF A GRANT ASSISTANCE AGREEMENT WITH THE SALVATION ARMY CALIFORNIA CORPORATION FOR JOB CREATION.

4. Bid Awards for Street Department purchase of a 1-ton De-icer truck and a 1/2-ton pickup truck.
5. Approval of beer/wine license for Thai Bamboo Restaurant at 2010 4th Street.
6. Approval of bills as submitted and on file in the City Clerk's Office.

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

COUNCIL COMMENTS:

COUNCILMAN EDINGER: Councilman Edinger reported that he received a letter from the Legacy Place Homeowners Association, Caroline Radsliff, President, and asked the concerns be referred to the Public Works Committee. City Engineer Gordon Dobler reported that he has had a long series of communications and he thought that most of her concerns had been addressed. Councilman Goodlander noted that one of the concerns was the removal of part of the bike trail. Mr. Dobler responded that there was no trail in front of Legacy Place but he had been in contact with Coeur d'Alene Place who has agreed to replace the trail in front of their subdivision.

APPOINTMENT TO CITY BOARDS/COMMISSION: Motion by Kennedy, seconded by Goodlander to appoint Warren Fisher and Kevin Glynn to the Pedestrian/Bicycle Advisory Board and Kim Torgerson to the Childcare Commission. Motion carried.

ADMINISTRATOR'S REPORT: City Administrator, Wendy Gabriel, announced the following: This Thursday and Friday, November 22nd and 23rd, Coeur d'Alene City Hall and city offices will be closed for the Thanksgiving Holiday. The Library will be closed on Thanksgiving, but open on Friday, the 23rd, during normal 10 am to 6 pm hours. We received an email from Rosemary Krabbe, of Silverado Canyon, California, thanking the Fire Department for their assistance with helping to control the fires in California. This last Saturday the CDA PD, in partnership with Kootenai County and the ISP, sponsored a Holidays and Heroes Food Drive. The event was a great success. We collected \$570.00 in cash and a lot of food. The draft Parks Master Plan is available on our website at www.cdavid.org. We anticipate bringing the plan to Council for adoption in January. We are currently accepting applications for: Police Officer – Application deadline is March 7th, with an April 7th testing date. Today several City staff attended an AIC lunch meeting where they had the opportunity to meet with our area legislatures. Specialized Needs Recreation program received \$25,000 which they will use for the Camp All Stars. The Police Department is doing an emphasis patrol for seat belt use. She thanked Les Schwab for their partnership in swapping out all the Police patrol vehicles' tires for snow tires.

2007-2008 SNOW PLAN: Councilman Reid reported on the number of lanes that need to be cleared of snow each snowfall and other details of the Snow Plan. She commented that this year the Public Works Committee considered revisions to the posting of sledding on certain streets. She noted that a compromise has been offered by the Streets Maintenance Superintendent which is to eliminate Garden Avenue and Fruitdale Avenue as designated sledding areas but maintain the remaining designated sledding streets.

MOTION: Motion by Reid, seconded by Kennedy to adopt the 2007-2008 Snow Plan. Motion carried.

MOTION: Motion by Reid, seconded by McEvers to close Garden and Fruitdale Avenues and keep Boyd, Lost and Dollar Streets open for sledding. Street Superintendent Tim Martin commented that the Street Department will be in charge of putting out the signs and regulating the sledding areas. He added that they will be putting up permanent signage. Councilman Kennedy noted that the Parks and Recreation Commission recommended not allowing sledding on City streets. He would like to see an enhanced public relations plan of getting safe sledding practices out to the public. Motion carried with Kennedy voting no.

ORDINANCE NO. 3323

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, DECLARING THE ESTIMATED COST OF ACQUIRING AND CONSTRUCTING A PORTION OF THE IMPROVEMENTS TO THE SEWER FACILITIES OF THE CITY; AUTHORIZING THE ISSUANCE AND SALE OF \$15,000,000 PRINCIPAL AMOUNT OF SEWER REVENUE BONDS, SERIES 2007; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS; PROVIDING FOR REGISTRATION AND AUTHENTICATION OF SAID BONDS; PROVIDING FOR TERMS AND COVENANTS OF SAID BONDS; DESCRIBING THE BONDS; PROVIDING FOR THE COLLECTION, HANDLING, AND DISPOSITION OF REVENUE; ESTABLISHING CERTAIN FUNDS AND ACCOUNTS; PROVIDING FOR THE SALE OF THE BONDS TO STATE OF IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY; PROVIDING FOR MUNICIPAL BOND INSURANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Motion by Reid, seconded by Kennedy to pass the first reading of Ordinance No. 3323.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Ordinance No. 3323 by its having had one reading by title only and authorize the publication of a Summary of the Ordinance.

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

HORSE DRAWN CARRIAGE RIDES: Deputy City Administrator Jon Ingalls announced that the Downtown Association is again requesting Council approval to permit horse drawn carriage rides in the downtown area during the Holiday season from November 24th through December 23rd. He noted that there are two changes this year, the pickup and drop off will be at the new Chamber of Commerce building and the hours have been changed to noon until 5:00 p.m.

MOTION: Motion by Goodlander, seconded by Edinger to approve the carriage rides including the requirements set out in the Downtown Association's letter of request and including 1) that the carriage be posted with the appropriate slow-moving vehicle signage; 2) that all rules relating to slow moving vehicles be adhered to; and 3) that picking up and dropping off clients will not be allowed in the lanes of traffic. Motion carried.

RESOLUTION 07-070

A RESOLUTION BY THE COEUR D'ALENE CITY COUNCIL DETERMINING A CERTAIN AREA WITHIN THE CITY TO BE A DETERIORATING OR DETERIORATED AREA AS DEFINED BY IDAHO CODE SECTIONS 50-2018(9) AND 50-2903(8) DIRECTING THE URBAN RENEWAL AGENCY OF COEUR D'ALENE TO COMMENCE THE PREPARATION OF AN URBAN RENEWAL PLAN, WHICH PLAN MAY INCLUDE REVENUE ALLOCATION PROVISIONS FOR ALL OR PART OF THE AREA; AND PROVIDING AN EFFECTIVE DATE.

STAFF REPORT: Executive Director, Tony Berns explained the reason for the request to amend the boundaries of the Lakes Urban Renewal District is to include Sorenson School, Winton School and Winton Park. He reviewed the minutes of LCDC which reflects the events that led up to tonight's resolution.

Concerning Councilman Edinger's request for a response to Mr. Caitlan's letter regarding Sorenson School and his questioning that the 1% State Sales tax was to provide funding for maintenance and operations of schools, School Superintendent Harry Amend responded that school plant facility levy dollars come from the district's taxpayers and not from State funding. He believes that it would be very positive for the taxpayers for Sorenson School to receive funding from the Urban Renewal District. He reported that Sorenson Magnet School had an initial target enrollment of 50 students and currently there are 280 students enrolled at Sorenson with over 100 applications pending.

Motion by Kennedy, seconded by Reid to adopt Resolution 07-070.

DISCUSSION: Councilman McEvers asked if the increased enrollment of students is because of students from other schools or are they new students. Superintendent Amend responded that it is approximately 50/50 with half the students coming from other district schools and half coming from other schools within the district. Councilman Reid noted that it is because of the success of LCDC that we can assist the school district.

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

RECESS: Mayor Bloem called for a 5-minutes recess at 8:00 p.m. The meeting reconvened at 8:10 p.m.

PUBLIC HEARING - V-07-2 - VACATION OF PORTION OF RIGHT-OF-WAY ON SELTICE WAY ADJACENT TO COEUR D'ALENE HONDA: Mayor Bloem read the rules of order for this public hearing. Engineering Services Director Gordon Dobler gave the staff report.

STAFF REPORT: Mr. Dobler reported that Coeur d'Alene Honda is requesting the vacation of a 30' x 535' strip of excess Seltice Way right-of-way along the southerly boundary of their auto sales facility. The four-lane divided highway section has a right-of-way width at the subject property that varies from 265'-275', with approximately 40' of right-of-way situated behind the existing sidewalk. Vacation of the requested right-of-way would provide for additional area to be utilized in the expansion of the auto sales facility site and would still allow 8'-10' of remainder right-of-way should it be necessary. Site development would result in the relocation of access approaches, which would be desirable from an engineering and safety standpoint.

He reported that 5 notices were mailed for tonight's public hearing with a total of 1 response in opposition being received. Written comments were distributed for Council review.

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

MOTION: Motion by Edinger, seconded by Hassell to approve the request for a vacation of a portion of the right-of-way on Seltice Way adjacent to Coeur d'Alene Honda.

DICUSSION: Councilman Kennedy commented that when the Public Works Committee discussed this issue, they had concerns on the trees; however, he also has concerns of giving up public right-of-way because the future of Seltice Way is unknown. City Engineer Dobler responded that he is confident that with a total of 275' remaining right-of-way there is ample footage to meet the needs of any possible expansion of Seltice Way. He also noted that the request has been modified to only vacate the right-of-way directly in front of Coeur d'Alene Honda.

ROLL CALL: Goodlander, Aye; Edinger, Aye; Hassell, Aye; Kennedy, No; McEvers, Aye; Reid, Aye. Motion carried.

PUBLIC HEARING - COMPREHENSIVE PLAN: Mayor Bloem reiterated the rules of order for this public hearing. Planning Director Dave Yadon gave the staff report.

STAFF REPORT: Mr. Yadon reviewed the process for developing the revised Comprehensive Plan which included four neighborhood meetings, two public hearings by the Planning Commission as well as a workshop with the City Council. He noted that there are three suggested changes to the Comprehensive Plan that were brought up during the recent workshop with the Planning Commission and City Council. He also noted that the Council received information from Mr. Hanson regarding the Blackwell Hill Permanent Conservation Easement area as well as a letter from John Barlow regarding the pedestrian pathway on Blackwell Island.

COUNCIL DISCUSSION: Councilman Hassell noted that the KMPO was not added to Objective 3.18. Councilman Reid also noted that this section needs to be expanded to include motorized buses and trucks and anything that has a motor on it. Councilman Goodlander recommended that the Plan include ADA requirements in this section. City Planner Dave Yadon believes that the issue of ADA standards is noted somewhere else in the Comprehensive Plan. Councilman Edinger asked about the concerns raised in the letter from John Barlow. City Planner Dave Yadon responded that the map shown in the Comprehensive Plan depicts a pathway plan. This issue was discussed at the Planning Commission level where it was determined that this map was part of the Master Bikeways Plan as referenced in the Comprehensive Plan. He noted that the Bikeways Plan is not a part of the Comprehensive Plan but rather just referenced in this Plan. Mr. Yadon added that Mr. Barlow was directed to take his concerns to the Pedestrian/Bike Committee who can address the Bikeway Master Plan. Councilman McEvers asked how the Bike Plan became a part of the Comprehensive Plan. Mr. Yadon responded that the Planning Commission felt there should be a linkage in the Comprehensive Plan, which is the overall vision of the City, to the Bikeway Master Plan. Councilman Goodlander asked Mr. Yadon to elaborate on the input on this plan. Dave responded that the Planning Commission has held several meetings for themselves as well as neighborhood meetings and a public hearing. All information that came from the workshops was looked at very closely in determining what should be included in the final Comprehensive Plan. Councilman Reid noted that on Page 91, the Plan delineates the Master Parks Plan but the bikeway map does not spell out that this map is a part of the Master Bikeway Plan. Also, references to the transportation network are part of the Master KMPO Transportation Plan. She believes that the Comprehensive Plan should better explain the various Master Plans as references to the Comprehensive Plan.

PUBLIC COMMENTS:

Pat Behm, 743 Fairmont Loop, voiced his concerns of the weakening of hillside regulations in the Comprehensive Plan. He believes that hillside development has a great potential to impact the City. He believes that the hillside developments that are being created in the county will one day be developments that the City will be asked to incorporate into the City. Examples of current problem areas of hillside development are Canfield Mountain and Armstrong Park. He urged the Council to maintain good rules for hillside development. He expressed his concerns of the current development on Blackwell Island hillside. He also has a problem with having developments come into

the City that don't follow the City's rules. Councilman Reid explained that the Hillside regulations supersede the Comprehensive Plan.

Julie Delsaso, 743 Fairmont Loop, noted that she appreciates the City's efforts to incorporate scientific studies in the Comprehensive Plan. She asked the Council to change the language in the Comprehensive Plan to incorporate the Cd'A Basin Environmental Improvement Project Commission in the hazard section of the Plan. She also voiced her concern that the City's fee structure does not re-enforce the citizens' input in the Comprehensive Plan. Dave Yadon responded that the Comprehensive Plan is the big picture but there are specific goals for environmental issues. Councilman Kennedy referred to Page 14 Objective 1.17 and asked if adding the term "toxic sediments" would address Ms. Delsaso's concerns. Councilman Goodlander asked Dave Yadon that since Ms. Delsaso presented these concerns at the Planning Commission meetings weren't her issues addressed. Mr. Yadon responded that after reviewing her concerns, it was valuable information, but felt that the policies and statements that they had were appropriate for the Comprehensive Plan.

Harold Hocker, 1413 E. Spokane Ave., commented that although he did not review the City's Comprehensive Plan, when he lived in Sacramento, there was construction in a flood plan and in Santa Rosa they built on a hillside and when the hillside shifted the County was held accountable and it cost the county a large amount of money. He doesn't like to pay for other people's mistakes. He also believes that the city needs to take care of the aquifer because of past experiences in New Mexico with their aquifer which also cost the people a lot of money. He stated that the most he would allow over the aquifer is 10-acre parcels.

Wes Hanson, 2725 W. Carder Lane, voiced his concern that the Planning Commission has designated part of Blackwell Hill as a permanent conservation easement. He requested that the Council remove the Blackwell Hill Carder Permanent Conservation Easement from the City's Area of City Impact and negotiate its removal with Kootenai County. He believes that the Comprehensive Plan designation does nothing to protect that the permanent conservation easement remains intact. He believes that the county is better prepared to oversee a permanent conservation easement than the City. City Planner Dave Yadon noted that the Council can seek to renegotiate the City's Area of City Impact but the consequence is what ordinances would apply, the City's or the County's. He added that there are two boundaries - the Comprehensive Plan boundaries and the Area of City Impact boundaries. He suggested that instead of removing this parcel from the Area of City Impact that the Council remove this area from the Comprehensive Plan boundaries. Mr. Hanson believes that if his property is within the Area of City Impact then it is more likely to be annexed into the City which means that his tax exemptions for the conservation easement could be voided.

MOTION: Motion by Goodlander, seconded by Edinger to remove this Conservation Easement from the Planning area boundary and begin negotiations with the County to remove it from the Area of City Impact. Motion carried with Hassell voting no.

Joe Morris, 304 S. 11th Street, commented that he is generally in favor of the proposed Comprehensive Plan. Specifically on page 42 and 43 there were some discussion on Historical Heart of the City, and he requested to have the East Mullan district included in this area instead of referring to East Mullan as a link between the Historical Heart and other residential districts.

MOTION: Motion by Edinger seconded by Hassell to include the East Mullan District in the Historical Heart and move the boundary line to 8th Street. Motion carried.

Serena Carlson, 516 S. Dollar Street, commented that she believes that the Comprehensive Plan should recognize Wildland Urban Interface areas due to the likelihood of catastrophic wildfires. She also asked the Council to recognize the close proximity of the City to U.S. Forest land.

Rita Sims-Snyder, 818 E. Front Ave., commented that when there are big building booms there is an attitude of, out with the old and in the with new. As a member of the East Mullan Neighborhood Association, she would like to see ordinances to backup the Comprehensive Plan so that existing neighborhoods would be protected.

Bill Irving, 3132 N. Julia Street, Trailer #3, voiced his concern that the assumption behind the growth of this community has been based on the cheap cost of oil and natural gas. He wanted to know if there are any provisions in the Plan to address the issue of the high cost of oil such as transportation. He would like the City to also consider supporting a light-rail system between Spokane and Coeur d'Alene.

MOTION: Motion by Hassell, seconded by Goodlander to approve the Comprehensive Plan with the changes that have been made by previous motions.

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

EXECUTIVE SESSION: Motion by Reid, seconded by Hassell to enter into Executive Session as provided by I.C. 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; and Subsection 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; and, Subsection 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 imminently likely to be filed.

ROOLL CALL: Hassell, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye. Motion carried.

The session began at 9:55 p.m. Members present were the Mayor, Council, City Administrator, and City Attorney.

Matters discussed were those of personnel, labor negotiations.

No action was taken and the City Council returned to regular session at 10:48 p.m.

PLANNING COMMISSION MEMBERSHIP: Motion by Reid, seconded by Goodlander that Planning Commissioner Souza be removed as a Planning Commissioner for cause. Motion carried unanimously.

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

The meeting adjourned at 10:51 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk