

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

September 2, 2014

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 Library Community Room September 2, 2014 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Kiki Miller ) Members of Council Present  
Steve Adams )  
Dan Gookin )  
Amy Evans )  
Loren Ron Edinger )

Woody McEvers ) Member of Council Absent

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

**INVOCATION:** Pastor Ron Hunter, Church of the Nazarene provided the invocation.

**PLEDGE OF ALLEGIANCE:** The pledge of allegiance was led by Councilmember Adams.

**AMENDMENTS TO THE AGENDA:**

**MOTION:** Motion by Gookin, seconded by Evans to amend the Consent Calendar item number 4, setting of the Public Hearing for ZC-3-14 – Zone Change of 3615 Fruitland Lane, from R-12 to R-17 to October 7, 2014 rather than September 16, 2014. **Motion Carried.**

**PUBLIC COMMENTS:**

Front Avenue Project:

John Montandan, Coeur d'Alene, stated that he owns the Wiggett Mall building and was told that as part of the Front Avenue project he would be getting an awning over the drive in doorway. Additionally, the loading zone was installed three or four spaces down from the loading area and he requested that the loading zone be move to closer to the door used for loading. Mayor Widmyer stated that there was a meeting last week where this item was brought up and staff will be in touch soon.

### Weapons Ordinance

Tina Cochene, Coeur d'Alene, stated that the ordinance regarding fire arms should be updated to be in compliance with state law. She stated that Mr. Gridley is incorrect about conflicting state codes. She requested the city code be repealed.

Bruce Berry, Coeur d'Alene, stated that he is a single full-time father and spoke to the higher law taking precedence over the lower law, such as the City's parade firearm prohibition law. He believes people have the right to bear arms. He has witnessed unarmed people being attacked by criminals. He stated that he is challenging the City code today.

### Transient Issues:

Bryan Denolle, Coeur d'Alene, expressed concerns regarding the transient problem in Coeur d'Alene. He has specifically witnessed transients sleeping outside of Red Lobster along US 95. He said he called law enforcement and they just removed the sign the transients were holding and left. He later heard about the issue with transients in the city parking garage and wanted to let the Council know that it has been going on for a while and it is a problem.

### Spokane River Corridor

Chet Gaede, Coeur d'Alene, asked the Council to remember their excitement about the property purchase and future opportunities in regards to the Spokane River Corridor property acquisition. He is concerned about some of the property already being in the city limits with the potential for development prior to the master planning being complete. He expressed concern that the shoreline protection ordinance can be avoided through a PUD and asked the Council to get ahead of this by telling staff that they would be hesitant to waive the ordinance in this area and that they desire to make as much of the property as possible public riverfront property.

Councilmember Gookin asked for clarification regarding the PUD process and the possibility of a PUD coming in tomorrow. Mr. Wilson stated that an application for a PUD could be turned in which would start the process for a public hearing. The original annexation agreement required that prior to development the owner would have to submit a PUD and speak to elements such as trails, as requested by Council. Mr. Wilson stated that he has met with the developer, who stated that he will not be ready until November or so and further stated that he is looking at ways to maximize the shoreline access to the public. Mr. Wilson clarified that the PUD allows a developer to amend or vary the items in the shoreline ordinance; however, the current comprehensive plan language is different than in the past and there is less leeway. Mr. Gridley stated that LCDC has agreed to purchase BNSF land within their district, which provides the amount needed for total funding of the acquisition. There are on-going negotiations regarding the purchase and sale agreement in respect to surveys and environmental studies, etc. He believes the agreement will be ready to bring forward at the 2<sup>nd</sup> meeting in September.

### New Police Chief:

Troy Tymesen, Coeur d'Alene, wanted to take a moment to introduce the new Police Chief Lee White. Chief White formerly served as Assistant Police Chief in Mesa, Arizona. Chief White said he is excited for the opportunity and is looking forward to building relationships with the community. Also attending the swearing in ceremony today were several of Chief White's

colleagues from the Mesa Police Department including Chief Frank Milstead, Assistant Chief Heston Silbert, Commander Dave Hagar, and Deputy Chief Deanna Cantrell.

**CONSENT CALENDAR: Motion** by Gookin, seconded by Edinger to approve the consent calendar.

1. Approval of Council Minutes for August 19, 2014.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for September 8, 2014 at 12:00 noon and 4:00 p.m. respectively.
4. Setting of a Public Hearing for September 16, 2014, for fee increases for the Municipal Services Department, Parks Department and Water Department and to set a Public Hearing for October 7, 2014 for ZC-3-14 – Zone Change of 3615 N. Fruitland, from R-12 to R-17.
5. Approval of SS-3-13, West Lakeshore Condominiums Final Plat.
6. Approval of Beer and Wine License for The Cork Tap House, located at 2034 Main Street, Coeur d’Alene; to Michael Dimico and Trisha Maddy (new).
7. Approval of the Community Development Grant Award Recommendations for Plan Year 2014 and 2015.
8. Approval of **Resolution No. 14-036** 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 APPROVING S-2-14, APPROVAL OF SUBDIVISION AGREEMENT, SECURITY, AND FINAL PLAT FOR CIRCUIT AT SELTICE; APPROVING UPDATES TO THE CITY’S RECORDS RETENTION MANUAL; AND APPROVING AN AGREEMENT WITH ST. VINCENT DE PAUL FOR A COMMUNITY DEVELOPMENT BLOCK GRANT AWARD.

**ROLL CALL:** Edinger Aye; Evans Aye; Adams Aye; Gookin Aye; Miller Aye. **Motion carried.**

**COUNCIL ANNOUNCEMENTS:**

Councilmember Miller stated that at the recent Library Board meeting the trustees approved moving forward with exploring the possibility of a shared public library annex with School District 271.

Councilmember Gookin said that he received a call this weekend that Channel 19 was without sound and Mr. Crowe addressed the issue with Time Warner. He thanked them for their response.

**MAYOR ANNOUNCEMENTS:** Mayor Widmyer asked for the appointment of Dave Patzer to the Lake City Development Corporation.

**MOTION:** Motion by Edinger, seconded by Gookin to approve the appointment of Dave Patzer to the Lake City Development Corporation.

**DISCUSSION:** Councilmember Gookin stated that LCDC previously had two Council representatives and asked to discuss if councilmembers should be appointed voting members to the

board, as he believes a voting member could result in a conflict between LCDC and City Council actions. He would recommend replacing the LCDC Board with the full Council. Mr. Gridley clarified that there have previously been voting Council board members. No further discussion was held.

**Motion carried.**

**ADMINISTRATOR'S REPORT:** Interim City Administrator Troy Tymesen stated the Coeur d'Alene Police Department is proud to announce the second newest member of the department as K-9 Pecco. Pecco is a three year old Belgium Malinois from the Netherlands. K-9 Pecco has been partnered with Officer Amy Winstead. In August Officer Winstead and Pecco graduated from a 360 hour basic K-9 training school and passed the Idaho K-9 certification evaluation for tracking, evidence, and patrol work. At a later date Pecco will obtaining training to be certified as a narcotics detection dog. The Coeur d'Alene Fire Department will hold an open house on Saturday, September 13, from 11:00 a.m. to 2:00 p.m. at Fire Station No. 3, located at 1500 N. 15th Street. The event will be packed with fun and education, as well as a free hot dog lunch. The theme this year is "Working Smoke Alarms Save Lives." Joining firefighters at the open house will be Coeur d'Alene police, the Coeur d'Alene Firefighter Pipe and Drums, and Sparky the Fire Dog! Attractions include Life Flight medical helicopter, Idaho Disaster Dogs, a fire extinguisher demonstration and a combat challenge for kids. The Coeur d'Alene Fire Department is celebrating 125 years of service this year. He encouraged the community to join on the celebration. The Coeur d'Alene Fire Department was recently presented with a Life Safety Achievement Award for its fire prevention accomplishments in 2013 by the National Association of State Fire Marshals Fire Research and Education Foundation (NASFM Foundation) in partnership with Grinnell Mutual Reinsurance Company. The Life Safety Achievement Award recognizes fire departments for their fire prevention programs that have been proven to save lives year after year. The Coeur d'Alene Fire Department is one of 142 fire departments across the United States to receive the award this year for recording zero fire deaths in 2013 or reducing fire deaths by at least 10 percent during the year. In addition, award recipients documented active and effective fire prevention programs as well as a clear commitment to reducing the number of house fires in the community. Eighteen hungry goats spent 64 days this summer munching down weeds at five city wells, and four reservoir sites, marking the fourth year goats have been used for weed abatement at city water utility facilities. The Water Department uses the goats as an effective, low-cost environmentally friendly solution to control weeds. A new book club focusing on the many facets of a local food system is starting at the Coeur d'Alene Public Library in partnership with the Inland Northwest Food Network. The "Food for Thought" Book Club will start with a discussion of Michael Pollan's "The Omnivore's Dilemma: A Natural History of Four Meals" on Wednesday, September 3rd, from 6:00 to 7:30 p.m. in the Community Room. Fall children's programs also begin the week of September 9th, along with budgeting and computer training classes. For more information, call the Library at 769-2315. Kootenai Health is donating \$7,500 to the city's reforestation program to plant street trees. Because of the expansion of the hospital, some trees within the footprint of the new building on their property will have to be removed. Kootenai Health will be planting many replacement trees but, in addition, wanted to sponsor a planting program to help offset the loss of the trees and the environmental benefits they provide in our city. The trees will be planted in public right-of-way areas where abutting property owners are willing to provide care. The street trees will provide

many environmental, social and economic benefits for the entire community for many years to come. He thanked Kootenai Health for their generous donation. The Coeur d'Alene 2030 Visioning Project is proud to release the first version of the Vision Implementation Plan. This near-term implementation plan, slated to take place over the next 5+ years, can be found at the CDA 2030 website, [www.cda2030.org](http://www.cda2030.org) and is available in limited print. The Implementation Plan details specific actions to guide community partners in achieving the community's vision through a broad range of programs and projects. The plan was drafted based on the community's shared, long-term vision for the future and thousands of individual ideas gathered over the course of this last year through public forums and workshops, surveys, opinion polls, and interviews. The "living" document is expected to include revisions and additions over time, and the plan will be periodically reviewed and updated to incorporate such changes. CDA 2030 is an independent, non-partisan, non-aligned effort with one overarching goal – to support the development of a bright future for greater Coeur d'Alene. For more information or to get involved, visit [www.cda2030.org](http://www.cda2030.org). The city is recruiting for City Administrator, Police Department Applications Analyst, Records Specialist and Police Officer. Please visit the city website and click on the "Job Posting" icon on the main page for a list of current openings at the City of Coeur d'Alene. The Coeur d'Alene Arts Commission is seeking nominations for the 19th Annual Mayor's Awards in the Arts. Please consider nominating a deserving individual, business, or organization in the categories of Excellence in the Arts, Support of the Arts, and Arts in Education. Nomination forms are available at City Hall, and can be downloaded from [www.cdavid.org](http://www.cdavid.org). Nominations must be submitted by September 5, 2014. For more information, call Steve Anthony at 769-2249, or email [stevea@cdavid.org](mailto:stevea@cdavid.org). The CDA TV committee currently has openings for a Citizen at Large residing in the City Limits, and a student representative and alternate. If one has media experience or is interested in the city's government/education channel, CDA TV, please submit an application for membership. Please call Amy Ferguson, at 666-5754 for an application form, or visit [www.cdavid.org](http://www.cdavid.org), click on "I want to . . ." and then click on "Volunteer." The city of Coeur d'Alene strives to provide responsive, consistent and convenient services to the citizens of our community. Each month, a "CityPoll" question will be posed to learn how the community feels about a particular issue. This is not a survey, but a poll asking primarily "yes" or "no" questions. It is an attempt to gain public input from a different audience and notification of the unique poll will be included on monthly utility bills. Data collected will be used as guidance in the city's strategic planning process. One vote is allowed per computer per month. The city is accepting polling question ideas from the council and the community. This month's question is regarding Dog Parks. Visit [www.cdavid.org](http://www.cdavid.org) to participate. Meet Coeur d'Alene's new Chief of Police, learn what makes the Lake City's longest serving employee tick, and discover the possibilities of improved public access to the Spokane River in western Coeur d'Alene. Learn about it all and more in our newest newsletter. To subscribe visit our website at [cdavid.org](http://cdavid.org) and click on the Municipal Milestones Newsletter icon. Additionally, Coeur d'Alene Mayor Steve Widmyer has established a direct telephone line for callers to leave a comment, idea or concern. To leave a message 24/7 with the mayor, call 769-2220, extension 503, or visit the city's website and click on the icon shown on the screen.

**APPROVAL OF DONATION FROM THE COEUR D'ALENE SOFTBALL ASSOCIATION AND COEUR D'ALENE NATIONAL TOURNAMENT COMMITTEE FOR NEW ROOF AT MEMORIAL FIELD.**

**STAFF REPORT:** Recreation Director Steve Anthony stated that the Recreation Department pledged its support in raising \$10,000.00 towards the new roof at Memorial Field. The roof has not been replaced in over 45 years. The following donations have been pledged: Coeur d'Alene Softball Association \$5,000.00, Coeur d'Alene National Tournament Committee \$5,000.00 and he asked the Council to accept those donations. The roof was installed in July, as summer was the best time to complete the work.

**DISCUSSION:** Councilmember Gookin thanked Mr. Anthony for doing such a good job, and he personally receives a lot of compliments for the protection of the historic field.

**MOTION:** Motion by Edinger, seconded by Adams to approve the donation from the Coeur d'Alene Softball Association and Coeur d'Alene National Tournament Committee for the new roof at Memorial Field. **Motion carried.**

**RESOLUTION NO. 14-037**

**A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ADOPTING THE PERSON FIELD MASTER PLAN.**

**STAFF REPORT:** Interim Parks Director Bill Greenwood stated that the Parks and Recreation Commission and the General Services Committee recommended the approval of the Person Field Master Plan with phased implementation as funds are available. In February meetings were held with the neighborhood and the Junior Tackle group, in which the conceptual plan was discussed. The groups supported the plan and asked that the Master Plan be approved for the future with phased implementation. The neighborhood wanted to keep the track, so the plan includes it but narrowed it down by a lane or two. Off street parking and irrigation will be included in future additions to the park. The playground will be installed this weekend due to the donation from the Coeur d'Alene Realtors Association.

**DISCUSSION:** Councilmember Edinger stated that the neighborhood committee had a lot of discussion and approved the concept. Councilmember Gookin stated that he likes the plan and wondered if the fence was staying. Mr. Greenwood stated that the fence will remain in the non-parking areas. Councilmember Miller asked if the committee members were going to continue to be involved. Mr. Greenwood clarified that they would and that improvements will be made as money is available, as costs for restrooms can be up to \$150,000 which would take time to fund. Councilmember Edinger asked Ms. Snedaker to speak on behalf of the group. Ms. Snedaker stated that it has been a long process and once the city acquired it, the neighbors took on the project. She noted that a citizen can make a difference.

**MOTION:** Motion by Edinger, seconded by Evans, to approve **Resolution No. 14-037** adopting the Person Field Master Plan.

**ROLL CALL:** Evans Aye; Adams Aye; Gookin Aye; Miller Aye; Edinger Aye. **Motion carried.**

**DISCUSSION REGARDING AMENDMENTS TO MUNICIPAL CODE 9.52.040; ILLEGAL POSSESSION OF WEAPONS AT PARADES OR PUBLIC ASSEMBLIES.**

**Staff Report:** City Attorney Mike Gridley said this item came forward last spring and arises from the late 1990's when the city had people counter-demonstrate and brandish weapons during parades. The ordinance prohibits weapons within 1,000 feet of a parade or public assembly. The issue being raised is a conflict of the city prohibition and the state law. Idaho Code 18-3302 (J) states that except as expressly authorized by state statute, no county, city, agency, board or any other political subdivision of this state may adopt or enforce any law, rule, regulation, or ordinance which regulates in any manner the sale, acquisition, transfer, ownership, possession, transportation, carrying or storage of firearms... However, Idaho Code 50-308 states that a city shall have the power to prevent or restrain disorderly assemblies. If the City believes it would restrain the disorderly assembly by regulating weapons it would do so under Idaho Code 50-308. Councilmember Adams stated that the City Attorney from Wallace spoke at the General Services meeting and in 1967 the code was written that gave city's power to police weapons, and this request would only remove the prohibition of concealed weapons. He stated that the legislature amended the code to remove the conflict and does not understand how Idaho Code 50-308 could stand as it is in conflict with another statute. He also stated that in April the Coeur d'Alene Press ran a poll regarding allowing concealed weapons at parades and found 69% of the readers said yes. Additionally, two people testified tonight with zero testifying in opposition. Councilmember Adams stated that the argument to support the current code is to support the spirit of the ordinance to protect against hate groups and his recommendation is to get the code into compliance with state law. Councilmember Edinger stated that this code has not been challenged in a court; just individually by speaking to the City. Additionally, at the time the ordinance was brought forward he felt it was the right thing to do and he believes it has been a good deterrent for the city. Councilmember Adams stated that he believes the older statute is cancelled out by the newer statute. Councilmember Gookin clarified that Idaho Code 50-308 says that the city should have the power to restrain riots, etc., which is what is allowing the city to prohibit weapons at parades and that the code uses the term prevent, which gives some leniency. Gookin has an issue with the broadness of the definition of weapon and the intent. Mr. Gridley stated that the Ordinance gives police a tool and a right to talk to people about what they are doing. Councilmember Edinger stated that the ordinance was intended to protect the safety of the public at parades and public assemblies, and that he is not opposed to the 2<sup>nd</sup> Amendment right, but does not believe that there needs to be weapons at these events.

**MOTION:** Motion by Edinger, seconded by Edinger to leave ordinance the same. **Motion carried with Adams and Gookin Opposed.**

**DISCUSSION:** Councilmember Miller stated that the intent was to protect those watching the event and further clarified the request is to make a change to the code to prohibit firearms, not all weapons. Councilmember Edinger stated that there are some expectations such as veterans, law enforcement, and armed forces being allowed to carry firearms. Councilmember Gookin stated that he would not support the motion as he supports the Constitution.

**COUNCIL BILL NO. 14-1015**  
**Ordinance No. 3491**

AN ORDINANCE EXCLUDING FROM AND DECLARING THE SAME TO BE SEPARATE FROM THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF SECTION 27, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN; BY DECLARING SUCH PROPERTY TO BE NO LONGER A PART OF THE CITY OF COEUR D'ALENE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE.

**MOTION:** Motion by Gookin, seconded by Edinger, to pass the first reading of Council Bill No. 14-1015.

**ROLL CALL:** Adams Aye; Gookin Aye; Miller Aye; Edinger Aye; Evans Aye. **Motion carried.**

**MOTION:** Motion by Edinger, seconded by Gookin, to suspend the rules and to adopt Council Bill 14-1015 by its having had one reading by title only.

**ROLL CALL:** Adams Aye; Gookin Aye; Miller Aye; Edinger Aye; Evans Aye. **Motion carried.**

**UPDATE FROM THE SPOKANE RIVER CORRIDOR ADVISORY COMMITTEE**

**REPORT:** Chet Gaede stated that the Ad Hoc Committee was formed in September 2013 to give the Council advice regarding the Spokane River Corridor. In 2014 staff combined the group with the Natural Open Space Committee, as it seemed to fit. The group worked with the committee for approximately three meetings, at which time they determined they could not function in that environment as the committee reports to the Parks Department and they felt their job was to report directly to the City Council. They believe their job and the creation of the committee is valid, but they need clarification regarding staff support and a procedure for how they move items forward, either through General Service or other sub-committees.

**DISCUSSION:** Councilmember Gookin asked for clarification from the committee regarding the staff support. Mayor Widmyer asked if they were seeking to be a “stand alone” committee. Mr. Gaede originally asked if they should be in Planning and Zoning but felt their role gets complicated because it includes bikes, trails, parks, and planning. In reviewing Council Meeting minutes the group envisioned their role as a multifaceted committee to pull all this stuff together. Councilmember Miller asked if staff has brought forward suggestions. Mr. Gaede stated that the first suggestion was the Open Space Committee then there was talk about Planning. He believes if they are a subset of the staff function they are left out of the loop, and they should start attending the Four Corner meetings, engineering meetings such as Seltice way, and should be at the negotiation table for swapping land for the railroad property. Councilmember Miller commended them for being active and wondered if they were being prohibited from attending the meetings. Mr. Gaede stated that currently they go through parks staff, and then Parks and



Recreation Commission. He provided examples of the annexation and purchase of railroad land that they never got word about until it was too late to be involved. Mr. Tymesen said that the committee was established based on public input. He stated that a committee would not be conducive to negotiate a land deal. He has had discussions with Mr. Gaede and explained that some of the items may come through the Council that would be quasi-judicial in nature so there are some legal concerns about what could come directly to the City Council. One option would be for the Ad Hoc Committee to make a presentation every three Council meetings and staff can work to keep them informed. Mr. Tymesen clarified that he hoped the Planning Department could take on some of the liaison duties. Mr. Gridley says there has not been any formal appointment of committee members, and there should be a chairman, etc. Mayor Widmyer stated that the committee should get together with staff to determine where the committee should go and work with Mr. Tymesen and Mike Gridley to clarify items and bring back suggestions to the next meeting. Mr. Gridley stated that the motion could be to bring back to Council suggestions on how big the committee should be, and how to communicate with the Council, etc.

Councilmember Gookin asked Mr. Gaede what is the mission statement of the committee. Mr. Gaede stated that the motion that was passed by the Council was to direct staff to establish an ad hoc committee for the purpose of reviewing and recommending options for community use and access in the Spokane river corridor from Huetter Road to the BLM property in Riverstone. Councilmember Gookin asked if the fulfillment of the committee would be for the committee to present the Council with a report regarding what they had reviewed and what they were recommending. Mr. Gaede stated that would be correct and that he would like a staff contact to provide notice of the meetings to fit within open meeting laws. Mayor Widmyer asked if the best way to move forward is to formalize the committee. Mr. Gridley stated that questions still exist about who should serve on the committee and how large it should be. Mr. Gaede stated that Roger Smith was a member and suggested someone from Kootenai Environmental Alliance, and a homeowner association representative. Councilmember Gookin stated that they should be independent from staff other than coordinating notices and that they should give the Council a report. Mr. Gaede stated that he would like to be involved with the land swaps once the property is purchased as they would be better suited to advise the Council, and that the committee should consist of 3-5 working members, including a developer.

**MOTION:** Motion by Gookin, seconded by Miller to direct staff to formalize the Spokane River Corridor Advisory Ad Hoc Committee to bring back a recommendation to the next council meeting.  
**Motion carried**

**Council Bill 14-1016  
ORDINANCE NO. 3492**

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 4.25.030, AND 5.08.160 TO PROVIDE EXCEPTIONS TO THE OPEN CONTAINER LAWS TO ALLOW FOR A CONSUMPTION UPON CITY RIGHT-OF-WAY WITHIN A PEDAL BIKE AND/OR NON-MOTORIZED VEHICLE WHEREIN PASSENGER AREAS ARE SEPARATE FROM THE DRIVER AREA, BY PERMIT ONLY; PROVIDING REPEAL OF CONFLICTING

ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Motion by Gookin, seconded by Adams, to pass the first reading of Council Bill No. 14-1016.

**ROLL CALL:** Gookin Aye; Miller Aye; Edinger Aye; Evans Aye; Adams Aye. **Motion carried.**

**MOTION:** Motion by Gookin, seconded by Miller, to suspend the rules and to adopt Council Bill 14-1016 by its having had one reading by title only.

**ROLL CALL:** Gookin Aye; Miller Aye; Edinger Aye; Evans Aye; Adams Aye. **Motion carried.**

**Resolution No. 14-038**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A LETTER OF AGREEMENT WITH MARK BROWN D/B/A SOCIALLY GEARED CDA FOR THE COMMERCIAL USE OF THE CITY STREETS FOR RECREATIONAL TRANSIT.

**MOTION:** Motion by Gookin, seconded by Adams to approve Resolution No. 14-038 authorizing a Letter of Agreement with Mark Brown d/b/a Socially Geared CDA to permit open container upon the pedal bike recreational vehicle.

**ROLL CALL:** Gookin Aye; Miller Aye; Edinger No; Evans Aye; Adams Aye. **Motion carried.**

**RECESS:** The Mayor called for recess for 10-minute recess at 7:38 p.m. The meeting resumed at 7:49 p.m.

COUNCIL BILL NO. 14-1017  
ORDINANCE NO. 3493

AN ORDINANCE ENTITLED "THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014" APPROPRIATING THE SUM OF \$74,561,945 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF COEUR D'ALENE FOR SAID YEAR; LEVYING A SUFFICIENT TAX UPON THE TAXABLE PROPERTY WITHIN SAID CITY FOR GENERAL REVENUE PURPOSES FOR WHICH SUCH APPROPRIATION IS MADE; LEVYING SPECIAL TAXES UPON THE TAXABLE PROPERTY WITH SAID CITY FOR SPECIAL REVENUE PURPOSES WITHIN THE LIMITS OF SAID CITY OF COEUR D'ALENE, IDAHO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene, Kootenai County, Idaho:

Section 1

That the sum of \$74,561,945 be and the same is hereby appropriated to defray the necessary expenses and liabilities of the City of Coeur d'Alene, Kootenai County, Idaho, for the fiscal year beginning October 1, 2014.

Section 2

That the objects and purposes for which such appropriations are made are as follows:

<b>GENERAL FUND EXPENDITURES:</b>	
Mayor and Council	\$ 237,027
Administration	294,883
Finance Department	735,745
Municipal Services	1,552,600
Human Resources	246,929
Legal Department	1,476,346
Planning Department	549,988
Building Maintenance	480,102
Police Department	11,216,460
Drug Task Force	25,710
ADA Sidewalks	265,657
COPS Grant	169,690
Fire Department	8,265,708
General Government	49,150
Engineering Services	1,287,825
Streets/Garage	2,515,577
Parks Department	1,869,944
Recreation Department	796,341
Building Inspection	842,057
<b>TOTAL GENERAL FUND EXPENDITURES:</b>	<b>\$ 32,877,739</b>

<b>SPECIAL REVENUE FUND EXPENDITURES:</b>	
Library Fund	\$ 1,387,111
Community Development Block Grant	359,966
Impact Fee Fund	194,956
Parks Capital Improvements	244,000
Annexation Fee Fund	117,000

Insurance / Risk Management	420,000
Cemetery Fund	284,190
Cemetery Perpetual Care Fund	97,500
Jewett House	67,089
Reforestation/Street Trees/Community Canopy	68,500
Arts Commission	6,750
Public Art Funds	210,600
<b>TOTAL SPECIAL FUNDS:</b>	<b>\$ 3,457,662</b>

<b>ENTERPRISE FUND EXPENDITURES:</b>	
Street Lighting Fund	\$ 535,600
Water Fund	8,325,955
Wastewater Fund	14,709,771
Water Cap Fee Fund	700,000
WWTP Cap Fees Fund	1,913,000
Sanitation Fund	3,560,334
City Parking Fund	220,839
Drainage Fund	1,179,109
<b>TOTAL ENTERPRISE EXPENDITURES:</b>	<b>\$ 31,144,608</b>

<b>FIDUCIARY FUNDS:</b>	<b>\$ 2,575,420</b>
<b>STREET CAPITAL PROJECTS FUNDS:</b>	<b>3,257,500</b>
<b>DEBT SERVICE FUNDS:</b>	<b>1,249,015</b>
<b>GRAND TOTAL OF ALL EXPENDITURES:</b>	<b>\$ 74,561,944</b>

### Section 3

That a General Levy of \$17,029,716 on all taxable property within the City of Coeur d'Alene be and the same is hereby levied for general revenue purposes for the fiscal year commencing October 1, 2014.

### Section 4

That a Special Levy upon all taxable property within the limits of the City of Coeur d'Alene in the amount of \$2,909,164 is hereby levied for special revenue purposes for the fiscal year commencing October 1, 2014.

**STAFF REPORT:** Interim City Administrator Troy Tymesen stated that staff has been working on the budget for approximately 6 months. The proposed budget is for a total of 74,561,944. Highlights of the budget included remodeling of several personnel, no tax increase, and personnel COLA of a 2% increase. He stated that foregone tax authority is at \$3,728,662.

Some staff additions are included such as Planner, IT Programmer, Assistant City Attorney, Police Officers, Utility Workers, and part-time employees at the library and for the drainage utility. A 4.3% increase in health insurance costs is included, as well as a recommendation to be fully insured with ICRMP. Deputy Finance Director Vonnie Jensen reviewed the revenues and expenses for the General Fund including new growth, projected building permit revenue, state taxes, EMS and expenses relating to staffing positions, preventative maintenance, cost of living increases, and wage and health insurance increases. Other fund changes include Library part-time, Community Development Block Grant (CDBG,) impact fees, decrease to capital expenditures for parks capital improvement fund, an increase in the annexation fund transfer to the General Fund, completion of the Tertiary Treatment project, and an increase toward another utility project that will begin. Mr. Tymesen reviewed and explained the levy rate.

**MOTION:** Motion by Gookin, seconded by Edinger, to pass the first reading of **Council Bill No. 14-1017.**

**DISCUSSION:** Councilmember Gookin questioned how positions would be funded if the City does not receive the grant for three police officers. Mr. Tymesen stated that the City would need to find revenue to fund those officers and come back to the City Council for approval. Councilmember Adams asked how a business would be affected by the levy rate versus a residential unit. Mr. Tymesen stated that it would be similar to the residential example minus the homeowner exemption. Councilmember Gookin stated that this would be the first time he is voting to approve a budget. Councilmember Adams stated he would not support the ordinance, and clarified that it is good that there is no tax increase but a decrease would be better. He stated that there are some components he does not like, especially the funding toward the visioning project. Councilmember Adams read a comment he provided to the Mayor regarding a more transparent, open process. Councilmember Gookin asked for clarification regarding the percentage of the budget that was labor costs. Mr. Tymesen estimated labor costs to be 77% to 80% of the budget.

Mayor Widmyer called for public testimony with none being received.

**ROLL CALL:** Miller Aye; Edinger Aye; Evans Aye; Adams No; Gookin Aye. **Motion carried.**

**MOTION:** Motion by Gookin, seconded by Edinger, to suspend the rules and to adopt Council Bill 14-1017 by its having had one reading by title only.

**ROLL CALL:** Miller Aye; Edinger Aye; Evans Aye; Adams Aye; Gookin Aye. **Motion carried.**

**PUBLIC HEARING: A-4-14, Proposed Annexation from County AS to City R-3 and R-8 for property located between Pennsylvania Avenue, Fernan Hill Road, Lilac Lane and I-90 and ZC-1-14, Proposed Zone Change from County AS to City R-3, R-8, R-17 Zoning Districts for property located between Pennsylvania Avenue, Fernan Hill Road, Lilac Lane and I-90.**

Mayor Widmyer read the rules of order for this quasi-judicial hearing. Councilmember Miller stated that she received an email and asked that no more be sent to her. Mayor Widmyer stated that he received an email from Jim Purtee who is opposed to the zone change, which he then forwarded to the City Attorney.

**STAFF REPORT:** Planner Sean Holm stated that the Planning Commission has heard five items related to this property, two of which come forward to the Council tonight, the annexation and the zone change. The PUD and Special Use Permit and Subdivision have been approved by the Planning Commission. The site includes 13.03 Acres and is bounded by I-90 and Pennsylvania Avenue. The annexation request includes 3.51 acres. The zone change request is an approximately 9.5 acre site. He provided some photographs of the property geography and reviewed the historical land use requests in the area. There are four findings that need to be made this evening including; that this proposal is or is not in conformance with the Comprehensive Plan; whether or not public facility and utilities are available and adequate for the proposed use; that the physical characteristics of the site do or do not make it suitable for the request at this time; and that the proposal would or would not adversely affect the surrounding neighborhood regarding traffic, neighborhood character, and/or existing land uses. There were no conditions proposed with these requests.

**DISCUSSION:** Councilmember Edinger asked about the property to the right-hand side which has been leveled and wondered what is being proposed. Mr. Holm stated that there are two R-8 PUD zoned parcels in that area. Councilmember Gookin asked about the hillside R-3 zone and is it different from a regular R-3 zone. Mr. Holm clarified that the R-3 sets the density and the hillside overlay controls the development of the land, which would include determining the number of trees to be removed and the amount of area that can be disturbed. Councilmember Gookin asked if the PUD changes any of the hillside regulations. Mr. Holm stated that the only change to hillside was the one lot with the existing house, which allows for the exemption of the existing house, and could potentially allow something else to be there in the future, as allowable in an R-3 or R-8 zone, including a potential duplex. The PUD included some amendments to development standards such as a reduction in the setback for the cul-de-sac, which would allow the two units be built outside of the hillside area, and one ten foot trail rather than two five foot sidewalks, and an increase in the height of two units. Councilmember Edinger asked about egress and ingress on Sherman Avenue and Pennsylvania Avenue and, if annexed, would the developer put in city street right-of-way. Mr. Holm stated that the street will be installed from the subject property line forward by the developer. Councilmember Miller asked for the elevation between Fernan Hill Road down to the site. Mr. Holm stated that it was close to 110 feet.

Mayor Widmyer called for public testimony.

**Applicant:** Dick Stauffer stated he was speaking on behalf of the applicant. He thanked Mr. Holm and the Engineering Department for working on this project over the past year. He reviewed the location and the neighborhood characteristics of the proposal. He stated that the 13 acres includes a wet land area, containing mature pines, and a vacant farm home. He reviewed the existing homes and proposed open space areas. Mr. Stauffer stated that the downsides to the property included a lack of public utilities, challenging physical features, and freeway noise.

The proposed use is limited building sites and the applicant is willing to take on the cost of infrastructure, is at peace with the freeway noise, and the previous residents are at peace with the development. The heart of the site would include an assisted living facility with a 35 bed capacity, 7 duplex lots, and 6 single family homes (including three existing) and 3.5 acres of open space. Mr. Stauffer reviewed the benefits of the assisted living facility and traffic generations associated, and explained that the R-3 zone will continue to abut the existing R-3 zones with open space or single family lots. The intersection of Pennsylvania and 23<sup>rd</sup> Avenues is a 90 degree left turn that people drive too fast, but is an existing condition not associated with this development. The property is an island of County within the City and should be annexed, with benefits including added infrastructure and enhanced pedestrian and vehicle circulation, emergency access, and water pressure in the area.

Councilmember Gookin asked if the developer would be willing to install a three way stop at Pennsylvania Avenue and 23<sup>rd</sup> Street. Mr. Stauffer stated that he would be willing to do so if requested. Mayor Widmyer asked for clarification as to what could currently be built on the three lots abutting Fernan Hill Road. Mr. Stauffer stated that a single family residence could be built there now. Mr. Holm stated that any development would also have to comply with the hillside regulations. Councilmember Edinger asked if Eastside Highway District would need to give approval. Mr. Stauffer stated that a portion of Lilac Lane is a Highway District road. Councilmember Miller asked about any adjustments to setbacks for the lots included in the annexation and zone change. Mr. Stauffer stated that the PUD lots would be able to be closer to the property line, with the intent to leave enough room to get a car parked on the property off of the roadway. The bridge in the wetland area will involve DEQ, BLM, IDOT, and city codes. Mr. Stauffer clarified that a private sewer system would be required for the three residential lots and a public sewer would be installed across the bottom lots.

**Primary Opponent:** Shelly Hurtado, Coeur d'Alene, stated that she would speak as the primary opponent. She stated she has lived in the area for approximately 15 years and it seems that every five years there is a proposal to develop this property. She strongly opposes the rezone to R-17 as it has been R-3 for at least the past 15 years. She reviewed the Comprehensive Plan section relating to the Fernan Hill Bench and the Northeast hillside areas, which are described as containing the steepest land and highest elevation, and development should reflect careful consideration of views and vistas. Density should be one dwelling per 5 acres and three units per acre would be allowable if terrain allows it. The Geo-testing report states cut slopes will expose stony soils that will require blasting for deep cuts, which would be a concern for the water shed plan for the Fernan Lake area. She read various parts of the report related to the topography and concerns with making the land sensitive to sloughing. She stated that R-17 should be denied, as it violates current and future visions of the area and blocks views and vistas. She felt that the developer knew it was R-3 when they purchased it. The neighbors are not opposing development but the current zoning should be kept, as they do not want the core of the property changed to R-17, as she does not believe this area supports the higher density as it should be an extension of an existing neighborhood. The area elementary school already causes congestion during the school year and she expressed concerns with the connection to Sherman Avenue. She asked the Council that at a minimum there be a gradual increase in density from R-3 to R-8, but R-17 does not fit.

Mayor Widmyer asked for information regarding the PUD. Mr. Wilson stated that the PUD is more protective of surrounding properties, as the new owner has to take the PUD and its requirements or come back through this process again. The neighbors would get the public notice of any PUD amendments; however, a general subdivision would not provide that same protection. Councilmember Gookin asked about the number of assisted living facilities in the area. Ms. Hurtado stated that there is one on East Sherman next to the cemetery (Bee Hive), another one at 21<sup>st</sup> Street next to the Fernan Elementary School, and then an apartment style building at the end of 21<sup>st</sup> Street connecting into Pennsylvania directly across the street, and another one exists at 23<sup>rd</sup> and Pennsylvania.

Joseph Corege, Coeur d'Alene, stated the three proposed driveways entering Fernan Hill Road are in a steep and dangerous location. He believes the black ice is what causes the accidents, not speed. He believes additional access will cause a problem for the roadway traffic. The 90 degree turn at 23<sup>rd</sup> and Pennsylvania requires one to go into the other lane because of vehicles parked on the street. The water for the area comes off the well at Harrison Avenue and it can't keep water pressure at the top of the hill. If they flush a hydrant he has no pressure at his house. This project will not keep water pressure at the top of Fernan Hill Road; it will just get worse.

Neil Robertson, Coeur d'Alene, agrees with the other comments opposing the project. He lives in the English Subdivision to the north of this project, and growth has already increased congestion to the neighborhood. The intersection is dangerous in the winter time due to the grade of the road, not the speed of the drivers. He believes that connecting Lilac Lane to 23<sup>rd</sup> Street creates a direct route from East Sherman into the subdivision, which will encourage the existing transient traffic to enter into the neighborhood. He stated that he believes the main issue is where an existing property owner's rights stop and developers' begin. He would like to continue to enjoy his home in a low-density area.

Jane Nealand, Coeur d'Alene, has lived in the area since 1972, and said the covenants state that nothing can be built within their view including trees. She will see rooftops, and bought her home because it was rural. The highway traffic has increased and this would cause additional traffic. She believes the area of the three residential lots are located at the worst part of Fernan Hill Road. She reiterated that the developer bought the property knowing what the zone was and believes the project would devalue their property and brings in more crime and stray animals.

Charleda Foss, Coeur d'Alene, stated that she is in favor of the project. She is a retired school teacher, and watched the traffic from the school today, it being the first day of school. She found 17 cars in the parking lot at 7:40 a.m., she also parked across from the 90 degree curve intersection and counted cars every five minutes and found no more than 9 cars going around the curve at about 8:15 a.m., with hardly any traffic going east. At 8:30 there were more cars going east, and going slow. She drove through 21<sup>st</sup> Street past the school and found it to be very crowded on both sides of the street, with two cars parked on Pennsylvania Avenue. She stated that French Gulch Creek used to run through property owned by the Olson's (10 acres) and flowed directly into Fernan Lake, and only became a problem when the freeway was built. In her lifetime in the area Fernan Hill loop had no more than 15 houses, as it had several dairy farms, which is an indicator that change has happened over the years. She stated that her family is trapped in from the freeway by the Lake Villa Apartments and nice homes above.



Maralee Foss, Coeur d'Alene, is in favor of the project and stated that there were several comments in the Press today she would like to address. The first comment was that "The property was originally zoned as it was for good reason." She believes that zoning is outdated as the zoning was established when the freeway was built in the 1960's. The second comment was "What has changed and why now." She believes everything changed, as the property was all farm land and is now houses, and that the property is now surrounded by city and should be annexed, with everything north of the paved road in the County. This project fits the best out of any proposal that has previously been made, especially with the R-3 buffer abutting the R-3 zone, and she requested the Council approve this proposal. She believes that the traffic will go to the south freeway entrance.

Mr. Wilson clarified that the zoning code amendment in 1981/82 developed the R-3 zone and is only updated as requested or as infill zones come up.

James Browne, Coeur d'Alene, stated that the three lots that boarder Fernan Hill Road are on a curve that is dangerous as people hug the center line rather than the steep drop off, and he believes that people will be driving out onto the curve with difficult vision. The only access should be forward facing, no backing out, as that would be too dangerous.

Linda Fillios, Coeur d'Alene, is opposed to the request and noted that she has been a Planning Commissioner for the County for the last 6 years and believes in private property rights. Part of the property is within the County at a density of 2 homes per acre. One side of the road is a steep basalt section and the other side does not have a shoulder, so she questions how development would occur with no place to bring in construction vehicles. The Pennsylvania Avenue side is a problem during the winter and during the school year. This is within the Fernan Lake water shed area and part of a recharge area to the Rathdrum aquifer and should be preserved. Part of the hillside regulation purpose is to protect the recharge area. Basalt is cracked by water and is an unstable foundation. She stated that she is surprised the City does not require geo-technical surveys before properties are developed and that zoning should be updated in order for proper decisions to be made. She suggested that a road be placed at the bottom of the properties rather than allowing access to Fernan Hill Road, and the Pennsylvania Avenue curve and a three way stop may help. She believes that Lilac Lane will be used as a thoroughfare.

Mr. Wilson clarified that the City does require geo-technical reports prior to the submission of building permits/development within the hillside area. Reports will include mitigation needed before permits would be issued.

David Young, Coeur d'Alene, stated he has lived on East Fernan Hill Road for 9 years and asked about potential area development before he bought. He was told it was a single resident property area and it will continue to be zoned that way. The reason they bought on Fernan was the natural beauty of the home site, the native animals, and the proximity to medical facilities. He believes that it should not be at the expense of the citizens who were told by the City and County that it would not change. He believes the reason the area has not changed is that Fernan Hill Road is dangerous. He asked the City Council to honor the current zoning.

Deanna Goodlander, Coeur d'Alene, stated that she thinks the proposed development is a quality development that has open space and keep lots of trees and will install a 10' wide trail along the road. This development is protected by a PUD and is not able to be changed unless they come back through the public hearing process. She believes this is a low impact development as assisted living is the lowest impact of a multi-family type development. If the land stayed R-3 it would be a lot of single family homes. Fernan is a scary road and as you look up the road there are existing homes on a curve. City Engineer, Gordon Dobler informed the Planning Commission that an outside curve is easier to access than an inside curve and she agreed that Pennsylvania is an existing condition that needs to be addressed. The Planning Commission stated that they wanted to have traffic planning done in that area. The most important thing about changing this zone is the open space and tree preservation. It is a beautiful opportunity rather than houses on every bit of the land.

Armando Hurtado, Coeur d'Alene, is opposed to the development as he purchased in the area due to its beauty and believes the preservation of property provides value and safety. He drives Fernan Hill every day and believes that the slope of the area in front of the proposed three homes is going to increase the chance of collision. He expressed concern regarding the public notification process.

Mr. Wilson stated that more notices were sent out than what the state law required. There is a requirement to notice in the paper, send out notices, and post on the property. The intent of the State law is to get notice to the critical areas and allow the news to spread, as evidenced tonight with the number in attendance. Additional posting was done through the City's web site and social media sites.

Werner Krempels, Coeur d'Alene, is in opposition of the request and agrees with other testimony given this evening. His main concern is traffic and the safety. He has two ways to access his home; the most direct route is behind Jordon's Grocery, with Pennsylvania Avenue as a secondary route with the 90 degree turn at 23<sup>rd</sup>. He provided an aerial photo of the Pennsylvania Avenue area.

John Runge, Coeur d'Alene, stated his main concern is that his driveway backs up to the new road, and he is concerned that the road would not provide him enough space to allow access to his property without having to back out of his property.

**APPLICANT REBUTTAL:** Mr. Stauffer stated that the intersection of 23<sup>rd</sup> Street and Pennsylvania Avenue is an existing issue that the developer would help resolve. French Gulch and Fernan Hill are outside of the scope of the development. Mr. Dobler's comments at the Planning Commission meeting were relevant, and he did not have a problem with driveway access onto Fernan Hill Road. The north line of the development is a relatively flat section and the benefit of the PUD is the control so that if the developer does not complete the project, the next developer would have to follow the PUD or go through the process again. The only three lots that will trigger the Hillside Ordinance will be the three abutting Fernan Hill Road. They have 19 lots; four that are dedicated open space that are steep and the three on Fernan Hill Road, and 12 lots with a less than 15 degree slope.

Councilmember Evans asked if the developer would be proposing to blast the basalt. Mr. Stauffer stated that the geo-tech report is tied to the building permit process and blasting is prohibited within the city limits. Councilmember Gookin asked for clarification regarding the water pressure issues. Mr. Stauffer stated that the existing system to the east has light pressure and the city would need to rebuild a system in order for it to be fixed. The lower area is 70-90 feet below the hill which will be rebuilt with the development on the downhill side and include connecting to the City mains. Mr. Stauffer also stated that the City requires .5 vehicle parks per bed, including staff and resident, and gave Beehive Homes as an example that is working.

Mayor Widmyer re-opened public testimony.

James Brown stated that he measured the slope of the road above and below the slope of the curve. He witnessed everyone who drove that area applied their breaks as they came down the slope.

Mr. Stauffer stated that he has taken topographic measurements and going up the hill is steep.

Hearing no other requests to testify, Mayor Widmyer closed public testimony.

**DISCUSSION:** Councilmember Miller asked if the PUD existed and the developer were to build today, how many lots could they build today. Mr. Wilson stated that 30 homes could be built today. Councilmember Miller asked if the number of patients and the stop sign and traffic calming were a part of the PUD. Mr. Wilson confirmed that they were. Councilmember Miller clarified that if nothing were to change today, the problem area on Fernan Hill Road would still allow for three homes to be built today with access to that road. Mr. Wilson clarified that development would be contingent upon the geo-tech report. Councilmember Gookin stated that the Comprehensive Plan is specific regarding the existing use as stable established at R-3 and that finding items 2 and 3 relating to wetlands and traffic conditions are a concern, as well as water and sewer. Mr. Wilson clarified that the developer would be putting in a public water system and that wastewater will be connected to our public system. Councilmember Gookin stated that he is concerned with density. Councilmember Miller stated that when looking at the two overlapping areas, the only hill side lots are the three on the hill. The lots in the lower area are behind a freeway, so as she looks at this project she sees a lot of challenges. The no parking on Fernan Hill Road and the traffic issues at 23<sup>rd</sup> Street are not a problem of this development. Councilmember Evans stated that she was pleased that the developer would help correct the issue at the corner of 23<sup>rd</sup> Street and Pennsylvania Avenue.

**MOTION:** Motion by Miller, seconded by Evans to approve the requested annexation and zoning for the annexation from County AS to City R-3 and R-8 for property located between Pennsylvania Avenue, Fernan Hill Road, Lilac Lane and I-90, to direct staff to negotiate an annexation agreement, and to develop the necessary Findings and Order.

**DISCUSSION:** Councilmember Adams stated that as he looked at the proposal objectively, he believes that most of the concerns have been addressed. He agreed that it is quite a project to take on and believes that it is better than a 30 home development with multiple roads.

**ROLL CALL:** Edinger Aye; Adams Aye; Miller Aye, Gookin No; Evans Aye. **Motion carried.**

**MOTION:** Motion by Miller, seconded by Adams to approve the requested zone change from County AS to City R-3, R-8, R-17 Zoning Districts for property located between Pennsylvania Avenue, Fernan Hill Road, Lilac Lane and I-90, and direct staff to prepare the Findings and Order.

**ROLL CALL:** Adams Aye; Miller Aye, Gookin No; Evans Aye; Edinger Aye. **Motion carried.**

**PUBLIC HEARING: ZC-2-14, Proposed Zone Change from R-17 to NC (Neighborhood Commercial), for property located at 602 E. Garden.**

**STAFF REPORT:** Planner Tami Stroud stated that this request is for a .50 acre parcel known as the old central school site constructed in the early 1900's. The uses currently in the building are a photo studio, yoga studio and professional office and are not allowable uses under the R-17 zone. This came forward when the owner was seeking permits to do some site improvements. There are four findings required including that this proposal is or is not in conformance with the Comprehensive Plan policies; that the public facilities and utilities are or are not available and adequate for the purposes of the request; that physical characteristics of the site do or do not make it suitable for the request at this time; that the proposal would or would not adversely affect the surrounding neighborhood regarding traffic, neighborhood character, and/or existing land uses. The Neighborhood Commercial use would allow current use to be in conformance with zoning codes and they have been in use for 10 years. Councilmember Gookin asked if there is enough parking provided to meet city requirements. Ms. Stroud stated that they have 15 stalls, which is more than would be required.

Mayor Widmyer opened public testimony.

**APPLICANT:** Joe Chapman, Coeur d'Alene, stated that he was representing the owner and stated the Planning and Zoning Commission minutes explain the history of the property. Renovation on the building began about 6 months ago and he wanted to put in sidewalks and street trees and new windows. Most of the neighbors are not opposed and the operational hours are restrictive.

Hearing no other testimony Mayor Widmyer closed public testimony.

**MOTION:** Motion by Gookin, seconded by Edinger to approve the requested zone change from R-17 to NC (Neighborhood Commercial), for property located at 602 E. Garden, and direct staff to prepare the Findings and Order.

**ROLL CALL:** Miller Aye, Gookin Aye; Evans Aye; Edinger Aye; Adams Aye. **Motion carried.**

**EXECUTIVE SESSION:** Motion by Gookin, seconded by to enter into Executive Session as provided by Idaho Code 67-2345 § (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, or public school student; (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.

**ROLL CALL:** Miller Aye; Evans Aye; Adams Aye; Gookin Aye; Edinger Aye. **Motion carried.**

The City Council entered into Executive Session at 11:08 p.m. Those present were the Mayor, City Council, City Administrator, and City Attorney. Council returned to regular session at 11:26 p.m.

**RECESS:** Motion by Gookin seconded by Adams to *recess to September 10, 2014 at 11:30 a.m. for a Joint meeting with the Coeur d'Alene Tribal Council at Stensgar Pavilion, Circling Raven Golf Club 37914 South Nukwalqw, Worley, ID 83876.* **Motion Carried.**

The meeting adjourned at 11:26 p.m.

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Steve Widmyer, Mayor

ATTEST:

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Renata McLeod, City Clerk