

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL,
DECEMBER 3, 2002**

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 December 3, 2002 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Chris Copstead)	Members of Council Present
Dixie Reid)	
Deanna Goodlander)	
Woody McEvers)	
Loren Edinger)	
Ben Wolfinger)	

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

INVOCATION: The invocation was led by Pastor Bob Conrad, Lincoln Way Church of God.

PLEDGE OF ALLEGIANCE was led by Councilman Wolfinger.

PRESENTATION – STORMWATER CITIZEN'S ADVISORY COMMITTEE PROGRESS REPORT: Tom Messina, Committee Chairman, explained the purpose of this Committee. Shaun Pigott, consultant to the Stormwater Citizen's Advisory Committee, reviewed the work completed by this Committee thus far. The focus has not only been on complying with Phase II NPDES requirements but what the community and citizens want to see for their city as well. The committee is suggesting implementing a program that would include a possible service charge rate structure able to support the program, a stormwater impact fees and a design of a targeted system of service charge credits. They are proposing that the service charge structure be based on impervious surface area, single-family residential uniform rate, commercial rate based on impervious surface, and service charge credit available for commercial customers with on-site stormwater facilities. In the future they will be working on a more detailed budget, revenue options, public information, service charge credit package and billing system and customer account database. They anticipate returning to the Council in March with a more detailed report.

PUBLIC COMMENTS:

JEAN HOLMBERG TRUST CONCERT: Susan Snedaker, 821 Hastings, on behalf

of the Jean Holmberg Memorial Trust, invited the Council to the 3rd annual Christmas Concert on December 17th at 7:30 p.m. at Greenbriar Inn. This is a free concert and the public is invited.

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

1. Approval of minutes for November 8, 19, 2002.
2. Setting of General Services and Public Works Committee meetings for December 9, 2002 at 4:00 p.m.
3. RESOLUTION 03-010- 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 CHANGE ORDER NO. 1 WITH KC CONSTRUCTION, FOR THE NORTHWEST BOULEVARD, PHASE 2 PROJECT AND APPROVAL OF FINAL PLAT AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH BENTWOOD PARK, L.L.C., FOR BENTWOOD PARK 3RD ADDITION.
4. Authorizing staff to advertise for bids for the purchase of a Pump & Motor Control Center for Locust and Hanley Well Modifications.

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

PUBLIC HEARING – SP-10-02 – SPECIAL USE PERMIT FOR 214 FOSTER: Mayor Bloem gave the rules of order for this public hearing. Councilman McEvers declared a conflict of interest and excused himself from this hearing. John Stamos, Associate Planner, gave the staff report.

Mr. Stamos reported that the applicant's name as Debra Smith, the location as 214 Foster Avenue and the reason for the request as a Special Use Permit to allow a 96 sq. ft. (8 ft. x 12 ft.) temporary building to be used for the sale of both food and beverages to walk up customers.

He went on to give the staff analyses for land use and neighborhood characteristics, Comprehensive Plan, and zoning. He reported that on September 10, 2002, the Planning Commission denied the requested Food and Beverage off-site consumption Special Use Permit by a vote of 5 to 1. On September 23rd and October 18th, 35 notices of this public hearing were mailed to all property owners within 300 feet of the affected property; 56 total responses were received. Seven responses from property owners within 300 feet of the subject property were received - 0 in favor, 6 opposed, 1 neutral. 26 responses from outside the 300 feet radius, plus County employees, all opposing this SUP, were received. Written comments were distributed.

Public Comments: Debra K. Smith, 214 W. Foster, spoke as applicant and requested approval of this Special Use Permit. John Gallegos, 1216 Front Street, spoke in support of this request and suggested that if the Council approves this Special Use Permit that they place a no-growth clause to this business. Amanda McGenty, 214 W. Foster, daughter of the applicant, spoke in support of the proposed Special Use Permit. Andy Finney, 321 "A" Street, spoke in opposition to this request noting pedestrian safety and parking congestion. Marie Wilcox, 720 "B" Street, spoke in opposition to this request noting traffic, noise and garbage issues. Roberta French, 213 W. Foster spoke in favor of the proposed request noting that she has worked for Debra and knows her work habits. Mary Bower, 716 "B" Street, spoke in opposition to this request citing existing food services already available, accessibility and various safety issues for this location. Debra Smith spoke in rebuttal noting that she does not feel this would be a large commercial business and her proposed business would not impact the residential neighborhood.

Motion by Copstead, seconded by Edinger to uphold the Planning Commission decision to deny the Special Use Permit and to adopt the Findings and Order of the Planning Commission. ROLL CALL: Copstead, Aye; Edinger, Aye; Goodlander, Aye; Reid, Aye; Wolfinger, Aye. Motion carried.

RECESS: Motion by Wolfinger, seconded by Copstead to have a five-minute recess. Motion carried. The Mayor called for a recess at 8:03 p.m. The Council returned to regular session at 8:15 p.m.

PUBLIC HEARING – O-6-02 – AMENDING FRONT LOT LINES FOR CORNER LOTS: Mayor Bloem read the rules of order for this public hearing. John Stamos, Associate Planner, gave the staff report.

Mr. Stamos reported the purpose of this amendment is to allow for choices for determining the front lot line of a corner lot. The existing code provides some limitations on an owner/developer of a corner lot. It is often possible for a lot to meet proper setbacks no matter which street front is assigned as the front yard. There is an argument that given the design of many recent subdivisions and the recent approval of covered porches to within ten feet of a front property line, the choice of front yard should be allowed. He noted that Ordinance No. 3089 has been prepared for Council review.

Public Comments: Randy DeNolf, 4989 Colson Street, thanked for Council for their efforts in amending the code.

ORDINANCE NO. 3089

AN ORDINANCE AMENDING SECTION 17.02.080 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO PROVIDE LOT DEVELOPMENT FLEXIBILITY FOR CORNER LOT OWNERS, WHILE INCREASING OPPORTUNITIES TO MAINTAIN RESIDENTIAL PATTERNS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN

CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.
Motion by Wolfinger, seconded by Goodlander to pass the first reading of Ordinance No. 3089.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3089 by its having had one reading by title only.

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

PUBLIC HEARING – WASTEWATER RATE STUDY: Mayor Bloem read the rules of order for this public hearing. Dave Clark from HDR gave the staff report.

He reported that a rate study has recently been completed to determine a funding plan for the revenues required for the wastewater utility for the next five years. The rate study shows that additional revenues must be collected in order to operate, maintain and construct improvements to the utility as outlined in the Treatment Plant Facility Plan and the Comprehensive Sewer Plan.

Public Comments: Susan Snedaker, 821 Hastings Ave. questioned the amount of increase for residential-low rates.

Motion by Reid, seconded by Wolfinger to accept the rate study as presented and to direct staff to prepare an ordinance reflecting the proposed rate increases including monthly service fees, usage rates and connection fees with an implementation date of March 1, 2003. Motion carried.

GATE ACCESS AT 1928 N. 8TH STREET: Motion by Reid, seconded by Edinger to approve Mr. Jeff Anderson's request to install a gated access across an undeveloped alley behind the residence at 1928 N. 8th Street, situated in Block 2 of the Boothe Addition, north of Locust Avenue between 8th and 9th Streets. Motion failed. Motion by Copstead, seconded by Reid to direct staff to proceed with the vacation process of this alley and to maintain easements. Motion carried.

ANNUAL THANKSGIVING FIREWORKS SHOW: Councilman McEvers expressed his thanks to Mr. Hagadone for the beautiful fireworks display.

COEUR D'ALENE PRESS REPORTER: Councilman Wolfinger announced that tonight is Keith Erickson's last night covering City Council meetings for the Coeur d'Alene Press as a reporter. Mr. Erickson has taken a job with Oxifresh.

HOLIDAY PARADE: Councilman Edinger expressed his gratitude to the Downtown Association for hosting this year's parade and the tree lighting ceremony. He also thanked the City Streets and Police Departments for their efforts in cleaning the streets and traffic control.

DOWNTOWN ASSOCIATION HONORS CITY STAFF: Council President Reid announced that the Police Department recently received two plaques from the Downtown Association; one was for the Summer Patrol of the Downtown area and one was given to Sgt. Randy Miller for his efforts with parades and special events. Jon Ingalls and Janet Flerchinger also received plaques for their work with the Downtown Association.

PARAMEDIC CERTIFICATION: Council President Reid announced that Fire Department Engineer Bob Hamilton is the first of the paramedic students to take and pass the certification exams.

LIBRARY BOARD VACANCY: Councilman Goodlander announced the Library Board currently has a vacancy, if any citizen is interested in serving on this Board or any other City Committee/Commission, please contact City Hall.

THANKSGIVING PARADE AND FIREWORKS: Mayor Bloem expressed her thanks for the efforts that went into a successful Thanksgiving parade and fireworks, noting that it takes a lot of people to pull such an event.

EXECUTIVE TEAM REPORT: Doug Eastwood, Executive Team Leader, announced that the Fire Department's "Pictures with Santa" will be held this Saturday, Dec. 7th, 6-8:30 p.m. at Fire Station No. 1. The cost of a picture with Santa is a donation of a nonperishable food item. Fire Station #3 is celebrating their 1st anniversary. He thanked Hagadone Corporation for their help in decorating the Veteran's tree by renting the equipment and loaning it to the City.

RESOLUTION 03-011

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN AGREEMENT FOR THE WASTEWATER TREATMENT PLANT PHASE 4B EFFLUENT PUMPING STATION VARIABLE FREQUENCY DRIVES, WITH CASCADE CONTROLS, ITS PRINCIPAL PLACE OF BUSINESS IN TUKWILA, WASHINGTON.

Motion by Reid, seconded by Edinger to adopt Resolution 03-011.

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

STREET DEPARTMENT VEHICLE PURCHASE: Motion by Reid, seconded by Edinger to authorize the Street Department to purchase a maintenance truck from Robideaux Motors for \$24,979.00 and a Shop/Utility Truck from Lake City Ford for \$24,995.00. Motion carried.

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

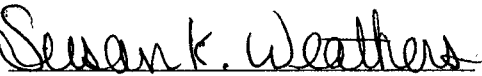
The session began at 10:10 p.m. Members present were the Mayor, City Council, and City Attorney. Matters discussed were those of labor negotiations and legal issues. No action was taken and the Council returned to regular session at 11:45 p.m.

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

The meeting adjourned at 11:46 p.m.


Sandi Bloem, Mayor

ATTEST:


Susan K. Weathers, City Clerk