

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM,
MARCH 17, 2009

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene Library, March 17, 2009 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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| Al Hassell |) | Members of Council Present |
| Mike Kennedy |) | |
| John Bruning |) | |
| Deanna Goodlander |) | |
| Loren Ron Edinger |) | |
| Woody McEvers |) | |

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

INVOCATION was led by Jason Roberts, Fellowship Church.

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

CERTIFICATE OF BRAVERY: Firefighter Greg Rod presented Maya Hippenstiel with a Certificate of Bravery for helping her brother out of a well in which they both fell into while sledding down a hill at her grandparents' house. Firefighter Rod presented Maya with a Certificate of Bravery.

PRESENTATION – CITY OF COEUR D'ALENE BLOG: Councilman Kennedy presented an overview of a proposed website blog for the City of Coeur d'Alene. The purpose of this blog is to post a variety of time sensitive information as a means for the residents to keep abreast of all the different activities of their City government.

Motion by Edinger, seconded by Goodlander to authorize staff to proceed with the posting of the Blog on the City's website. Motion carried.

PUBLIC COMMENTS:

STAFF INTRODUCED: Sid Fredrickson, Wastewater Superintendent, introduced Tori Greene who is the new Administrative Assistant for the Wastewater Dept.

BUS STOP BENCHES: Craig Wilcox, 2015 White Tail Crossing, presented the prototype of the bench that is being proposed to be placed at various bus stops throughout the Citylink routes. He noted that this project was done by a group of citizens who accomplished this project without tax dollars. Anyone who is interested in donating funds for the purchase of a bench, please contact Craig at D.A. Davidson 667-1212.

LOCAL RADIO: Harold Hocker, 1413 E, Spokane Ave, asked on what radio station the

Mayor/Council has their weekly program. Councilman Kennedy noted that it is on 1080 KVNI a.m. radio.

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

1. Approval of minutes for March 3, 2009.
2. Setting General Services Committee and Public Works Committee meetings for March 23rd at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 09-012: 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 AN AGREEMENT WITH THE COEUR D' ALENE TRIBE / CITYLINK FOR DONOR-FUNDED BUS STOP BENCHES; APPROVAL OF A CONTRACT WITH GEOENGINEERS FOR FACILITATOR BY DISCHARGES FOR TMDL; APPROVAL OF A LETTER OF AGREEMENT FOR THE KOOTENAI COUNTY PUBLIC TRANSPORTATION 2009-2010 BUDGET; APPROVAL OF A ONE-MONTH EXTENSION TO THE LEASE AGREEMENT WITH THE SALVATION ARMY FOR THE OLD LIBRARY BUILDING AND BID AWARD AND APPROVAL OF A CONTRACT WITH SHANNON INDUSTRIALS CONTRACTORS, INC. FOR THE WWTP PHASE 5A – AMMONIA REDUCTION IMPROVEMENT PROJECT.
4. RESOLUTION 09-013: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE SIGNATURES OF SANDI BLOEM, VONNIE L. JENSEN, TROY TYMESEN AND LOREN RON EDINGER.
5. RESOLUTION 09-014: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ADOPTING REVISED WATER DEPARTMENT CONSTRUCTION STANDARDS
6. Approval of bills as submitted and on file in the City Clerk's office .
7. Approval of cemetery lots transfers from Osie and Annie Thayer to George and Florence Thayer.
8. Setting of Public Hearings: ZC-2-09 – Zone Change at 2903 N. 4th Street for April 7, 2009.

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

COUNCIL COMMENTS:

COUNCILMAN KENNEDY: Councilman Kennedy introduced James Miller and Casey Noy who were attending tonight's Council meeting as part of their Boy Scouts Community Badge.

APPOINTMENTS – URBAN FORESTRY COMMITTEE AND PEDESTRIAN/BICYCLE ADVISORY COMMITTEE: Motion by Bruning, seconded by Goodlander to appoint Keith Jones to the Urban Forestry Committee and to appoint Taryn Petersen to the Pedestrian/Bicycle Committee. Motion carried.

FUNDING TO ASSIST WITH WASTEWATER REUSE RESEARCH: Motion by Hassell, seconded by Goodlander to approve a request for funding of a two-year research

project from the University of Idaho on the reuse of gray water in an amount of \$10,000 per year, for a total of \$20,000, with the condition that all of the dischargers agree to participate before any agreement is entered into. Motion carried.

PUBLIC HEARING – ZC-1-09 – ZONE CHANGE AT THE SOUTHWEST CORNER OF U.S. 95 AND HANLEY AVENUE: Mayor Bloem read the rules of order for this public hearing. No conflict of interest was declared by Council members. Councilman Kennedy noted that he had talked about an unrelated matter regarding KMPO with Mr. Cheeley. John Stamsos, Senior Planner gave the staff report.

Mr. Stamsos gave the applicant's name as Chris Cheeley d/b/a A Thousand Hills, LLC, the location as an approximately 18,021 sq. foot parcel located at the southwest corner of U.S. 95 and Hanley Avenue and the reason for the request as a zone change from R-8- to C-17. He then gave the staff analyses for land use/neighborhood characteristics, Comprehensive Plan, streets/traffic, and utilities.

Mr. Stamsos noted that staff recommended conditions include: 1. Dedication of an additional twenty feet (20') of right-of-way on the Hanley Avenue frontage; 2. Frontage improvements will be required of any building permit that is submitted for the subject property. These improvements will be required to be installed prior to any occupancy of constructed facilities on the site and must be approved by the City Engineer prior to installation, and; 3. To avoid potential congestion at the intersection, all access to the site will be restricted to the westerly boundary of the subject property and any approach that is constructed will be limited to the minimum size of twenty four feet for two way traffic.

Mr. Stamsos reported that a total of 29 notices were mailed announcing tonight's public hearing with 5 responses being received: 1 in favor, 2 opposed, 2 neutral. Written comments were distributed for Council review.

Council discussed the future reconstruction of the intersection of Hanley and U.S. 95. City Engineer Gordon Dobler noted that additional right-of-way will be required to improve that intersection noting that it is planned to add an additional lane on the north side of Hanley and 2 lanes on the south side of Hanley. Mr. Dobler noted that the only access to the subject property is onto Hanley Avenue.

PUBLIC COMMENTS:

Chris Cheeley, 10439 W. Shale Court, Post Falls, spoke as applicant. He commented that this is the only corner lot along US 95 that is not a C-17 zoning. He commented that he wants C-17 in order to build a retail sales type building. He believes that this property is part of the US 95 corridor and not the residential subdivision abutting the property. He did not choose a neighborhood commercial zoning as there are very strict guidelines for construction within this type zoning. He believes that the proposed improvements to US 95 are to get cars across US 95 (east-west traffic) and by donating the additional right-of-way to this intersection it serves the purpose of the US 95 study by improving this intersection.

Councilman Kennedy asked what would be housed in his retail sales type building and what time would it be closing. Mr. Cheeley responded that the hours of business would be from 7 a.m. to 7 p.m. He commented that he intends to build the structure as close to

US 95 as possible. Councilman Kennedy asked how he would mitigate the commercial activity from the residential zone. Mr. Cheeley responded that he would be open to the requirements for lighting and all other issues to make certain that his business would not affect the residential homes abutting his property.

Mike Dolphin, 6000 N. Sunrise Terrace, spoke in opposition in that if the property is declared C-17 any type of business allowed in that type zone could be housed on that lot. He is also concerned that with his home abutting this property he would have an extremely difficult time selling his home.

Verna Coleman, 6000 N. Sunrise Terrace spoke in opposition to the requested zone change due to the existing traffic on Hanley Avenue. She noted Sunrise Terrace is a horseshoe roadway and the only access for Sunrise Terrace residents is onto Hanley Avenue. She added that at times residents have to wait quite a while to get onto Hanley Avenue even if they use the northerly roadway of the horseshoe. She noted that with the additional commercial businesses and Federal building being constructed on the north side of Hanley and on Mineral Drive traffic has already increased at that intersection. She requested that the lot stay as residential.

Larry Anderson, 515 Twilight Court, spoke in opposition to the requested zone change as his home abuts the subject property and he has a concern that any type of business allowed in a C-17 could eventually be adjacent to his property.

John Tart, 12868 Hidden Valley Road, Rathdrum, who owns one of the duplexes at 520 Twilight Court, opposes the requested zone change due to the heavy traffic along Hanley Avenue which several times a day is backed up to Coldwater Creek. He believes that if the City is going to allow this zone change then the rest of the properties south of this subject property need to be rezoned to commercial.

Harold Hocker, 1413 E. Spokane Street, asked if the Council has actually looked at the property and believes that with all the right-of-way requirements at this site there is not enough room to build anything.

Chris Cheeley rebutted that this lot is currently an eyesore and the only way for this lot to be cleaned up is to change the zoning from residential to commercial. He does not believe that this is spot zoning as the US 95 corridor is all zoned commercial. He also noted that he believes that there is no real impact on the residential homes abutting his property.

MOTION: Motion by Goodlander, seconded by Bruning to approve the requested zone change from R-8 to C-17 including the following conditions: 1. that a six foot (6') 100% sight-obscuring fence abutting residential uses be constructed; 2. That the hours of operation shall be no later than 9 p.m.; 3. To include the three conditions as recommended by City staff and to direct staff to prepare the Findings and Order.

DISCUSSION: Councilman Goodlander believes that by changing the zoning to commercial it will buffer the traffic noise from the residential area. Councilman Bruning believes that the commercial zoning does fit onto this site given the buffering requirements between a residential and commercial zone and, in regard to traffic

concerns, that residential use also generates traffic. Councilman Edinger believes that traffic on Hanley is a major issue for this lot and that this is spot zoning which would infringe upon the residential neighborhood. Councilman McEvers is neutral on this issue but believes the right-of-way for a left-turn lane is valuable. Councilman Kennedy believes that the zone change to commercial would improve the traffic flow on Hanley.

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

RECESS: The Mayor declared a 5-minute break at 9:05 p.m. The meeting returned to its regular session at 9:12 p.m.

PUBLIC HEARING – A-7-08 – ANNEXATION OF PROPERTY AT 3310 E SKYLINE DRIVE: Mayor Bloem noted that the applicant had left the Council meeting; however, there are other people present who wished to testify on this annexation. City Attorney Mike Gridley noted that the Council could proceed with this public hearing without the applicant but they would have to continue this public hearing to the next meeting.

Motion by Hassell seconded by Goodlander to continue this public hearing to April 7th and to place the item early on the agenda. Motion carried with McEvers voting no.

EXECUTIVE SESSION: Motion by McEvers, seconded by Hassell to enter into Executive Session as provided by I.C. 67-2345 § 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 likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement.

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

The Council entered Executive Session at 9:25 p.m. Members present were the Mayor, City Council, City Administrator, City Attorney and Deputy City Administrator. Matters discussed were those of claims. No action was taken and the Council returned to their regular session at 9:40 p.m.

The meeting adjourned at 9:40 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk