

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
April 17, 2012**

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 April 17, 2012 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Loren Ron Edinger)	Members of Council Present
Woody McEvers)	
Deanna Goodlander)	
Mike Kennedy)	
Steve Adams)	
Dan Gookin)	

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

INVOCATION: The invocation was led by Pastor Dick Hege, Coeur d'Alene Bible Church.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Councilman McEvers.

AMENDMENT TO THE AGENDA: Motion by Goodlander, seconded by Edinger to amend tonight's agenda to recess the Council meeting to April 30th at 12:00 noon for a Natural Open Space Management Plan workshop. Motion carried.

PROCLAMATION – ARBOR WEEK: On behalf of Mayor Bloem, Councilman Goodlander read the proclamation declaring the week of April 22nd as Arbor Week in the City of Coeur d'Alene. Urban Forestry Student Representative Nickolas Radobenko accepted the proclamation and announced that on Saturday April 28th an Arbor Day Celebration will held be at the North Pines Park beginning at 11:00 a.m. John Schwandt, a member of the Urban Forestry Committee announced that this is the 25th year that the program will be distributing free tree seedlings to area 4th graders. He also announced that Marina Thaxton was the winner of the Arbor Day button contest.

PRESENTATION – ST VINCENT DE PAUL SERVICE UPDATE: Jeff Conroy, Executive Director of St. Vincent DePaul reported on the services provided to the community this past year. He provided a power point presentation on the work that has been accomplished at the Help Center. He reported that our region has seen a 14% decrease in homelessness. He reported that there will be a decline in funding sources for the resources available to homeless and low income citizens.

PRESENTATION – MILL RIVER AND RIVERSTONE WEST APARTMENTS: Mr. Todd Prescott, representing Whitewater Development, updated the Council on the Mill River and Riverstone West Apartment affordable housing projects. He invited the Council to do a walk

through their facilities. He reported that the need for affordable housing exceeds the number of housing units available. He also noted that his projects are deed restricted to affordable housing. He thanked the city and LCDC for their support without which affordable housing would not have been able to be accomplished.

PUBLIC COMMENTS:

RECALL CDA: Frank Orzell, 310 E. Garden Avenue, addressed the Council regarding Recall CDA. In response to Mr. Orzell's comments that several city employees have said they wanted to sign the recall petition but that they have been intimidated or fearful of termination, Mayor Bloem asked that Mr. Orzell let the City know that it is the position of the City that any employee has the freedom to support either the recall or anti-recall efforts as they choose. Mr. Orzell responded that what he meant to say were employees of local businesses.

CEMETERY LOT: Pat Melior, 414 E. 12th Ave, Post Falls, reported that his father-in-law's ashes were moved from one cemetery plot to another. He complained that Mr. Eastwood was not responsive to his needs. Wendy Gabriel reported that City staff will be contacting Mr. Melior.

802 E. YOUNG : Eric Fauskin, 516 S. 16th Street commented on the recently approved zone change and presented a scenario of developing multi-unit apartments on this site. He commented that he believes that there is no need for a zone change but rather to allow a nonconforming use for this site. In conclusion he believes that the zone change was a good decision but would like staff to revisit the city's ordinances in nonconforming uses. Councilman Goodlander noted that the Council has already asked the staff to develop a process similar to what he suggested.

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

Motion by Gookin, seconded by Adams to amend the motion to remove Item 3a regarding the lease renewal for the City Attorney's Criminal Division from the agenda. **ROLL CALL:** Edinger, No; Adams, Aye; McEvers, Aye; Goodlander, No; Gookin, Aye; Kennedy, No. Motion to amend failed with the Mayor's tie-breaking vote in the negative.

1. Approval of minutes for April 3, 2012.
2. Setting of General Services Committee and the Public Works Committee meetings for April 23, 2012 at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 12-013: 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 A LEASE RENEWAL WITH COMMERCIAL PROPERTY MANAGEMENT FOR 816 SHERMAN AVENUE, SUITES 3, 4, & 5 FOR THE LEGAL DEPARTMENT-CRIMINAL DIVISION OFFICES; APPROVING A ONE-YEAR EXTENSION OF 3 AGREEMENTS WITH DIAMOND PARKING FOR ON STREET PARKING, CITY PUBLIC PARKING LOTS, AND THIRD STREET MOORING DOCKS.
4. Approval of Bills as submitted and on file in the Office of the City Clerk.
5. Approval of Outdoor Eating Sidewalk Encroachment Permit for Dangerous Dog at 108 N. 4th.

DISCUSSION: Councilman Gookin does not believe that the City should be leasing space when the City owns property that they currently lease. He understands that the city currently does not have any space available since it is all leased, but he opposes this lease for philosophical reasons. He believes that the city should be smart enough to use its own property instead of leasing space, such as the Osprey property and the old Library. Councilman Goodlander noted that the Osprey is leased to the University of Idaho and the old Library is leased to the Help Center. Councilman Edinger asked if all the space at the Osprey and the old Library is taken. As for the house on Fruitland Lane, it is 800 square feet and is currently leased. City Attorney Gridley noted that the lease spaced is beneficial due to its proximity to City hall.

ROLL CALL: Edinger, Aye; Adams, Aye; McEvers, Aye; Goodlander, Aye; Gookin, No; Kennedy, Aye. Motion carried.

COUNCIL ANNOUNCEMENTS:

COUNCILMAN GOOKIN : Councilman Gookin announced that he had met with the City Engineer asked any time a driver observes a signal not working properly, to please contact the City so we can investigate and repair as necessary. Councilman Gookin also reported that although there are rumors regarding the acquisition of property along East Lake Coeur d’Alene Lake Drive, this is not a done deal but the city is still in the midst of discussion which may take some time.

COUNCILMAN ADAMS: Councilman Adams noted that he and Councilman Gookin attended a meeting with the Fire Chief and Deputy Chiefs recently and that he and Councilman Gookin will be going to the Firefighter training in Richland, Washington. He also commented that he learned that although property owners are responsible for maintaining the trees in the rights-of-way they are owned by all the residents in Coeur d’Alene.

APPOINTMENTS – DESIGN REVIEW COMMISSION, PERSONNEL APPEALS BOARD, PARKS AND RECREATION COMMISSION AND NATURAL OPEN SPACE COMMITTEE: Motion by Kennedy, seconded by Goodlander to re-appoint Jon Mueller and Mike Dodge to the Design Review Commission, Dixie Reid to the Personnel Appeals Board, Scott Cranston and Bridget Hill to the Parks and Recreation Commission, and appoint Adrienne Cronebaugh to the Natural Open Space Committee. Motion carried

ADMINISTRATOR’S REPORT: City Administrator Wendy Gabriel announced that The City of Coeur d’Alene Arts Commission is seeking artists for its Utility Box Beautification project. Information packets are available at City Hall, 710 E. Mullan Avenue, or online at www.cdavid.org. Artist proposals are due by 5:00 p.m., April 20, 2012. Artists with questions are encouraged to contact Steve Anthony, Arts Commission Liaison, at 769-2249. The Mullan Road storm drain construction project will begin next week. Congratulations to Terry Pickel, Assistant Water Superintendent, on his recent selection to serve as a Director for the Inland Empire Subsection (IESS) of the Pacific Northwest Chapter of the American Water Works Association. The Memorial Field bleachers will be getting a new coat of paint. The local Arbor Day Committee has announced the winners of an art contest to design a button for Arbor Day distribution. Marina Thaxton, a junior at Coeur d’Alene High School, designed the winning artwork. Idaho’s Arbor Day is the last Friday in April – April 27th this year. For more

information, please contact Karen Haskew, Urban Forester, at 769-2266. In the spirit of open government, the city has taken action to post its “checkbook” of expenditures online. It can be found under the Finance Department and is titled “Check Register.” The information is directly from the City’s accounts payable software, thus not all vendors names are complete because there is limited character space. The names of individuals that referee for the City and are paid on a contract basis, referred to as contract labor, have been edited and the names of employees that receive expense reimbursement checks, referred to as “Emp. Expense Reimbursement,” have been edited for identity security purposes. The register does not include payroll checks as disclosed at the top of the page. The register does not include any electronic payments, such as payroll taxes. This is a disclosure in process. The Coeur d’Alene Public Library will host a Parents Resource Fair this Friday, April 20th, from 1 – 5 p.m. in the Community Room. For more information, call Annabelle Jones at the Library, 769-2315. There will be a prescription medication turn in event on April 28th, from 10:00 a.m. to 2:00 p.m. at the front entrance area of the Coeur d’Alene Library. The Natural Open Space Master Plan for the City of Coeur d’Alene Parks is available on-line for review and comment at www.cdaidparks.org. The Natural Open Space Committee invites you to review and comment on the plan. The committee will also be scheduling an open house and question and answer forum. Click on Links-Downloads on the left menu of the Parks Department main page. If you have any questions, call the Parks Department at 769-2252. Mrs. Gabriel asked “Are you interested in local history?” We are seeking individuals that have an interest in working in a group atmosphere to talk about historical uses of the McEuen Park area. The purpose would be to review the historical uses and make a recommendation to the design team for sign information that helps capture the many uses of the area. A meeting has been scheduled for April 30th at 6:00 p.m. in the Library Community Room. The goal would be to discuss the various historical uses, research necessary data and forward the information on to the design team by August of this year. Tina Johnson will be the chairperson of the McEuen Park Historical Committee.

ORDINANCE NO. 3437
COUNCIL BILL NO. 12-1000

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, REPEALING MUNICIPAL CODE CHAPTER 52 OF TITLE 5 IN ITS ENTIRETY; ADOPTING A NEW CHAPTER 52 TITLE 5 OF THE MUNICIPAL CODE CREATING USED MERCHANDISE DEALER REGULATIONS, PROVIDING DEFINITIONS, LICENSING REQUIREMENTS, EXEMPTIONS, PROVIDING FOR REQUIRED RECORDS AND REPORTING, ESTABLISHING PROHIBITED TRANSACTIONS AND PENALTIES, AND PROVIDING FOR APPEALS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Kennedy, seconded by Edinger to pass the first reading of Council Bill No. 12-1000.

DISCUSSION: Captain Clark reported on the process the City undertook including meetings with the business owners. Councilman Adams commented that our ordinance will be contrary to State law. He also noted that if a coin dealer does not want to conform to these regulations they can move their business to Dalton Gardens. Captain Clark responded that there is an effort to establish standardized regional regulations. City Attorney Mike Gridley responded that with the

authority given cities they can provide for more restrictive regulations than the State law thus these regulations are not contrary to State law. Councilman Adams noted that the City has agreed to review these regulations in a year's time.

ROLL CALL: Adams, Aye; Edinger, Aye; Gookin, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye. Motion carried.

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 12-1000 by its having had one reading by title only.

ROLL CALL: Adams, Aye; Edinger, Aye; Gookin, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye. Motion carried.

COUNCIL LETTER REGARDING MIDTOWN CONSTRUCTION PROJECT:

Councilman Kennedy read the draft letter to the owners of the proposed low income rental complex in the Midtown area which requests that they not proceed with their project until they can meet with the Midtown businesses and homeowners.

MOTION: Motion by Kennedy, seconded by Goodlander to approve the proposed letter regarding the Midtown Construction Project.

DISCUSSION: Councilman Gookin commented that he believes that the salutation seems a little informal by addressing the owners by their first name. Councilman Gookin also noted that he received two letters requesting the City and LCDC withdraw their support of this project. He also noted that he believes that this project competes with private developers. Councilman Goodlander noted that LCDC had researched the effectiveness of developing residential housing as a means of improving the economic viability of a neighborhood and this initially was a project for purchased condos not rentals. Councilman Gookin thanked the Council for listening to the citizens regarding this matter.

Motion carried.

Councilman Goodlander will hand deliver a copy of the letter to the next Lake City Development Corporation's meeting.

ZC-1-12 – FINDINGS AND ORDER FOR ZONE CHANGE AT 2101 N. ST. MICHELLE

DRIVE: Motion by Edinger, seconded by Kennedy to adopt the Findings and Order as presented. ROLL CALL: Edinger, Aye; Gookin, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Adams, Aye. Motion carried.

ORDINANCE NO. 3438
COUNCIL BILL NO. 12-1012

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-1 (RESIDENTIAL AT 1 UNIT/ACRE) TO R-8 (RESIDENTIAL AT 8 UNITS/ACRE), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: .5 ACRE

PARCEL AT 2101 ST. MICHELLE DRIVE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Goodlander, seconded by Kennedy to pass the first reading of Council Bill No. 12-1012.

ROLL CALL: Edinger, Aye; Gookin, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Adams, Aye. Motion carried.

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 12-1012 by its having had one reading by title only.

ROLL CALL: Edinger, Aye; Gookin, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Adams, Aye. Motion carried.

ZC-2-12 – FINDINGS AND ORDER FOR ZONE CHANGE AT 802 E. YOUNG: Motion by Kennedy, seconded by Goodlander to adopt the Findings and Order as presented. ROLL CALL: Gookin, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Adams, Aye; Edinger, Aye. Motion carried.

ORDINANCE NO. 3439
COUNCIL BILL NO. 12-1013

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 (RESIDENTIAL AT 12 UNITS/ACRE) TO R-12 DO-E (RESIDENTIAL AT 12 UNITS/ACRE INCLUDED IN THE DOWNTOWN-EAST INFILL OVERLAY DISTRICT), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 0.152 ACRE PARCEL AT 802 E YOUNG AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Kennedy, seconded by Goodlander to pass the first reading of Council Bill No. 12-1013.

ROLL CALL: Gookin, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Adams, Aye; Edinger, Aye. Motion carried.

Motion by Goodlander, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 12-1013 by its having had one reading by title only.

ROLL CALL: Gookin, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Adams, Aye; Edinger, Aye. Motion carried.

PUBLIC HEARING: V-12-1 – VACATION OF RIGHTS-OF-WAY IN TAYLOR’S PARK ADDITION: Mayor Bloem read the rules of order for this public hearing. No conflict of interest was declared by any Councilmen. Gordon Dobler, City Engineer, gave the staff report.

Mr. Dobler gave the applicant’s name as North Idaho College and their request is for the vacation of the undeveloped rights-of-way of Smylie Street (50’), Hubbard Street (50’), the north/south alley (7.5’) adjoin the west boundary of Block 4, the east/west alley (6.5’) adjoining the northerly boundary of the west half of Block 2 and Blocks 3 & 4 and, the east/west mid-block alley (20’) that extends from the west half of Block 2 to the westerly boundary of Block. They are also requesting the relinquishment of the deed (Quit Claim) of College Drive to NIC.

Mr. Dobler reported that Taylor’s Park Addition subdivision consisting of sixty four (64) lots was originally platted in May, 1906. He noted that this vacation is the first step in the creation of the expanded campus that will eventually encompass the area between the dike road and the City Wastewater facility. The lumber mill has ceased to operate and the North Idaho College Foundation has acquired the property for the expansion of the NIC campus. Current use of the site is student parking; however, the planned long term use is multi-use classroom, recreation and office facilities, along with associated open space.

The deed for College Drive was formatted to return the roadway to the college should its use as a roadway ever cease; however, since that will not be the case, the City would need to quit claim the roadway back to the college. The principal reason for the college desiring ownership of the roadway is that they can obtain state funding through the State Department of Public Works (DPW) to maintain it, whereas if it is City owned, they cannot.

He reported that a total of 20 notices were mailed with two responses both in favor of the vacation.

Councilman Gookin wanted to confirm that the alley west of Military Drive will not be vacated. Mr. Dobler noted that he met with the lady who had this concern and answered her questions.

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

MOTION: Motion by Kennedy, seconded by Goodlander to approve the requested vacation of public rights-of-way in Taylor’s Park Addition.

ROLL CALL: Edinger, Aye; Adams, Aye; McEvers, Aye; Goodlander, Aye; Gookin, Aye; Kennedy, Aye. Motion carried.

PUBLIC HEARING – A-1-12 – ANNEXATION AND ZONING OF PROEPRTY AT 1000 W. GARDEN AVENUE: Mayor Bloem read the rules of order for this public hearing. No conflict of interest was declared by any Councilmen. Dave Yadon, City Planning Director, gave the staff report.

Mr. Yadon gave the applicant's name as Ruen-Yeager & Associates, on behalf of the property owner North Idaho College, and the reason for their request is for annexation with an R-17 zoning.

Mr. Yadon provided a summary of the annexation and zoning procedures and then gave the staff analyses for the proposed zoning, comprehensive plan, utilities, and neighborhood characteristics.

DISCUSSION: Councilman McEvers asked about the industrial zoning. Mr. Yadon noted that that is the County's designation of the property. Councilman McEvers asked if the City is going to be held liable for anything with this annexation although he understands that we have had a great working relationship with NIC. Mr. Yadon responded that Police currently patrol the Dike Road regularly. Councilman Edinger asked if by annexing the property does this affect the EPA issues on the dike and would the City be responsible for the cost of the Dike. Mr. Yadon responded that the city is just annexing the property but the ownership and responsibility remains with NIC. Councilman Adams asked if a developer could construct condos on this site. Mr. Yadon responded that it would be virtually impossible due to the land and conservation funding used to develop the beachfront. Councilman Adams asked what is meant in the staff report that there would be no impact on the water system as this time. Mr. Yadon responded that if there were any future development of the water system, NIC would have to address those issues at that time.

PUBLIC COMMENTS: Eric Olson, 803 E. Young Avenue, representing Ruen-Yager and Associates, explained that the only plans that NIC currently has would be for the development of ADA access to the beach. The reason for the annexation is to have NIC's entire ground inside the City limits. He noted that the County also has different standards than the City and his clients felt that it was time to have this parcel be a part of the City. Susan Snedaker, 821 E. Hastings, commented that she sees it as interesting that Ruen-Yager & Associates is the same firm that designed the footbridge over the river for NIC. She also believes that this might open the door for LCDC to use their funds to develop this property.

DISCUSSION: Councilman Gookin asked if the footbridge would be allowed in this zone. Mr. Yadon responded that it would depend on the NIC PUD. Councilman Goodlander asked about the requirements for a setback. Mr. Yadon noted that the boathouse is already constructed and the City has a 40-foot setback whereby the County requires a 50-foot setback from the roadway where the City's setback begins at the NIC building site. Councilman Gookin asked what Mr. Olson meant by this annexation would be a benefit to the Education Corridor. Mr. Olson responded that this would enhance the overall NIC campus and Education Corridor. Councilman Gookin noted that he heard that LCDC has an interest in this property. Mr. Olson responded that there has been no contact by LCDC regarding NIC's property. Councilman Edinger asked about the footbridge from NIC and the old footbridge and it is possible to construct the bridge at the old site. Mr. Yadon responded that he has not heard of any discussions regarding the footbridge over the river. Councilman Edinger asked if the City could be required to have lifeguards at the NIC beach. Mr. Yadon responded that he has not heard of any discussions with the City to provide lifeguards on the NIC beach. Councilman Edinger asked Gary Stark 3706 N. Drive, if he has heard anything about a footbridge at the old location. Mr. Stark responded that he had seen an old rendering of the old footbridge but had not heard discussions for any footbridge. Mr. Stark noted that NIC does not have lifeguards on their beach property and signs will be posted as such.

MOTION: Motion by Kennedy, seconded by Goodlander to approve the requested annexation and R-17 zoning for the subject property and to direct staff to prepare an annexation agreement and to develop the Findings and Order.

ROLL CALL: Adams, Aye; McEvers, Aye; Goodlander, Aye; Gookin, Aye; Kennedy, Aye; Edinger, Aye. Motion carried.

ADJOURNMENT: Motion by Gookin, seconded by Edinger to recess this meeting to April 30, 2012 at 12:00 noon in the City Hall former Council Chambers for a workshop with the Natural Open Space Committee. Motion carried.

The meeting recessed at 8:10 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk