

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL,
OCTOBER 16, 2007

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Hall, October 16, 2007 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

Dixie Reid)	Members of Council Absent
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CALL TO ORDER: The meeting was called to order by Mayor Sandi Bloem.

INVOCATION was led by Pastor Jonathan Owens, Heart of the City Church.

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

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

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

1. Approval of minutes for October 2, 2007.
2. Setting of the Public Works Committee and General Services Committee meetings for October 22nd at 4:00 p.m.
3. RESOLUTION 07-064: 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 AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS; ADOPTING A MEETING ROOM USE POLICY FOR THE NEW LIBRARY; APPROVAL OF AN ENCROACHMENT PERMIT FOR A BENCH IN FRONT OF THE TORCH LOUNGE; APPROVAL OF AN ANNUAL WAIVER OF COVERED LOAD REGULATIONS FOR THE STREET DEPARTMENT DURING LEAF PICKUP AND APPROVAL OF A REQUEST FOR WATER SERVICE OUTSIDE CITY LIMITS ON NETTLETON GULCH ROAD AND AN AGREEMENT WAIVING OPPOSITION TO ANNEXATION WITH BRAD JORDAN.

4. RESOLUTION 07-065: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO DECLARING AN ANNUAL LEAF OR GARDEN WASTE COLLECTION.
5. Approval of advertisement for bids for the construction of the Armstrong Park Booster Station Replacement
6. Approval of bills as submitted and on file in the City Clerk's Office.
7. Approval of cemetery lot transfers for: Doreen Dagon to Buddy McCorkle and from Irene Perrenaud to Jennifer Allison for the sale of the lot to Donn Nelson.
8. S-4-05 - Final plat approval for Bellerive, Phase II.
9. SS-3-06 - Final plat approval for Riverview Condominiums
10. SS-18-07 - Final plat approval for Trails Edge.
11. Setting of Public Hearings: V-07-2 0 Vacation of a portion of right-of-way on Seltice Way adjacent to Ceour d'Alene Honda for November 20, 2007 and O-3-07 Comprehensive Plan for November 20,2007.

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

COUNCIL COMMENTS:

COUNCILMAN KENNEDY: Councilman Kennedy commented that residents had an opportunity to hear the Executive Director of the U.S. Interagency Council on Homelessness (ICH) speak about homelessness. He noted that he had attended a national summit on this topic last year which was very inspiring; however, this year's count of homeless people pointed out the need for something to be done.

MOTION: Motion by Kennedy, seconded by Edinger to have the City endorse the concept of creating a 10-year plan to end homelessness in our City.

Councilman Kennedy noted that his goal is to put together a committee to begin to address this issue. Mayor Bloem noted that he is not asking for any resources or staff time at this time but rather a motion to identify the political will of this Council that they will support the idea of a 10-year plan. Motion carried.

COUNCILMAN HASSELL: Councilman Hassell announced that absentee voting is now available until election day at both City Hall and at the County Elections office and encouraged all qualified electors to vote.

COUNCILMAN GOODLANDER: Councilman Goodlander commented that the City is continuing to add the televising of various committee and commission meetings on Channel 19.

APPOINTMENT TO CITY BOARDS/COMMISSION: Motion by Goodlander, seconded by Edinger to appoint John Kelly to the Pedestrian/Bicycle Advisory Board, Ed Eichwald to the Jewett House Advisory Board, Iris Siegler and Brian Halvorsen to the Childcare Commission, and Gregory Peak to the Sign Board. Motion carried.

POLICE DEPARTMENT STAFFING FOR IMPEMENTATION OF

ASSESSMENT RECOMMENDATIONS: Police Chief Longo presented the plan for implementing recommendations received from the recent consultant review of the Police Department. He is looking at hiring 2 Police officers, a civilian report taker, a part time property specialist, a part-time records specialist, and increasing 1 part-time administrative position in Investigations to full-time. He would like to staff the Front Desk to enable the Police Department to be open to the public for a few hours on Saturday. Chief Longo noted that the funds for implementation have already been budgeted in the current budget. He also plans on not hiring these positions until December for additional dollar savings.

RESOLUTION NO. 07-066

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ADDENDUM TO THE LEASE AGREEMENT WITH THE HUMAN RIGHTS EDUCATION INSTITUTE, INC. FOR CITY OWNED SUB-STATION BUILDING AT 414 ½ MULLAN ROAD.

STAFF REPORT: Bob Bennett, Director of Human Rights Education Institute (HREI), gave a presentation that outlined exhibits, programs and events held by the Institute during 2006 and 2007, reviewed the improvements made to the sub-station building and provided HREI goals for the future.

Motion by Goodlander, seconded by Hassell to adopt Resolution 07-066.

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

AMENDMENTS TO ANNEXATION REQUEST PROCESS: Deputy City Attorney Wilson explained that staff is recommending that some or all annexation requests be brought to the City Council first to determine if the Council is interested in annexing the parcel prior to staff and applicants investing a great deal of time and money into the annexation process. Motion by McEvers, seconded by Kennedy to approve the amendment to the City's annexation request process to include the requirement of a City Council "check-in" on all annexation requests. Motion carried.

**ORDINANCE NO. 3319
COUNCIL BILL NO. 07-1041**

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 NC (NEIGHBORHOOD COMMERCIAL), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- .248 ACRE PARCEL AT 1036

NORTH 15TH STREET AND LEGALLY DESCRIBED AS THE NORTH 73 FEET OF LOT 7, WILLIAMS PARK ADDITION IN THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 50N, RANGE 3W, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; 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 Hassell, seconded by Goodlander to pass the first reading of Council Bill No. 07-1041.

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

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 07-1041 by its having had one reading by title only.

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

ORDINANCE NO. 3320
COUNCIL BILL NO. 07-1042

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 NC (NEIGHBORHOOD COMMERCIAL), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- .372 ACRE PARCEL AT 1003 NORTH 15TH STREET AND LEGALLY DESCRIBED AS LOTS 1 & 2, BLOCK 1, BIRCH PARK ADDITION IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 50N, RANGE 4 W, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; 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 Edinger, seconded by Hassell to pass the first reading of Council Bill No. 07-1042.

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

Motion by Hassell, seconded by Goodlander to suspend the rules and to adopt Council Bill No. 07-1042 by its having had one reading by title only.

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

COUNCIL BILL NO. 07-1043
REPLACING ORDINANCE NO. 3295 ADOPTED MAY 1, 2007

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO REPLACE ORDINANCE NO. 3295 AS THE ORDINANCE ANNEXING SPECIFICALLY DESCRIBED PORTIONS OF THE SW ¼ SE ¼ SECTION 4, TOWNSHIP 50, NORTH, RANGE 4W, BOISE MERIDIAN AND LOTS 7 & 8 BLOCK 4 OF "ORCHARDLANDS", AND ADJOINING HIGHWAY RIGHTS-OF-WAY IN ORDER TO CORRECT THE ZONING DISTRICT FOR THE ANNEXED PROPERTY; 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 Hassell to pass the first reading of Council Bill No. 07-1043.

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

Motion by Edinger, seconded by Goodlander to suspend the rules and to adopt Council Bill No. 07-1043 by its having had one reading by title only.

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

PUBLIC HEARING - CONSOLIDATED 5-YEAR PLAN FOR HUD/CDBG FUNDS: Mayor Bloem read the rules of order for this public hearing. Project Coordinator Renata McLeod and consultant Heidi Aggeler from BBC Research gave the staff report.

This public hearing was to provide the community an opportunity to comment on the proposed Consolidated 5-Year Plan for fair housing within the City. The City anticipates receiving \$300,000 annually from the HUD Community Development Block Grant for funding. Heidi Aggeler reviewed the various projects that a city can use HUD funding and the results of the various community meetings held in Coeur d'Alene regarding HUD funding.

PUBLIC COMMENTS: Meredith Bryant, 1988 E. Gunther Avenue, commented that the reason that the Council is not receiving public comments is because as a whole it is a complicated plan and difficult to understand; however, she has worked with HUD funding in California and knows how the program works. Harold Hocker, 1413 E. Hazel Avenue believes that this is a bad idea.

MOTION: Motion by Hassell, seconded by Kennedy to authorize the Mayor to sign the CPMP Grantee Certification and the SF 424 form required to submit the consolidated plan for HUD. Motion carried.

RECESS: The Council took a recess at 7:47 p.m. and resumed their meeting at 7:53 p.m.

PUBLIC HEARING - ALLOWING INGRESS/EGRESS ONTO FOSTER AVE. AT 702 N. 4TH STREET: Mayor Bloem read the rules of order for this quasi-judicial public hearing. No conflict of interest was declared by the Council. Councilman Goodlander noted that she lives within 2 blocks of the subject property. John Stamos, Associate Planner, gave the staff report.

Mr. Stamos reported that the applicants, Amendola, Anderson and Doty PLLC and 4th Street LLC are requesting removal or modification of conditions one (1), two (2) and four (4) for Zone Change LZC-2-94 in the C-17L zoning district pertaining to access from the existing parking lot to Foster Avenue and buffering of said parking lot along Foster Avenue. He noted that the conditions being requested to be removed are:

1. Provide a six (6') foot sight obscuring fence on the east and north ends of the property and along the frontage of Lot 3 together with a solid, dense vegetative screen, including a minimum of five (5) columnar deciduous trees 2" or more in caliper, planted at a distance between centers as determined by the Urban Forestry Committee.
2. Restrict Lot 3 so as not to allow a curb cut.
3. Restrict signage to 4th Street only.

On August 20, 2007 the Planning Commission voted to deny the request to remove these conditions by a vote of 4 to 0. On August 24, 2007, an appeal of the Planning Commission's decision was filed with the City by the applicant.

Mr. Stamos reported that on September 28, 2007, 66 notices of tonight's public hearing were mailed with a total of 20 responses being received - 5 in favor, 12 opposed and 3 neutral. Written comments were distributed for Council review.

PUBLIC COMMENTS:

Steve McCrea, attorney for the applicant, 507 W. Lakeshore Drive, believes that the request for the removal of conditions is to address the safety issues in traffic flow. He noted that the City is going to add access onto Foster for the Fire Administration Building between 3rd and 4th Streets. He also noted that by adding access onto Foster the customers to his client's building can continue west once they leave the building. He also believes that by adding the Foster Avenue access it will eliminate parking on Foster Avenue. He commented that by adding this access onto Foster it would have very minimal impact of traffic onto Foster Avenue. Councilman Kennedy asked about eliminating parking west of the proposed curb cut on Foster if the access was allowed. Mr. McCrea believes that parking on Foster Avenue west of the proposed access could be eliminated.

Clayton Anderson, 10021 N. McCoy Road, Washington, commented that although they applied for a curb cut and were issued a stop work order, if they had requested the amendments to the conditions on the zone change prior to requesting the encroachment permit, they would be appearing before the Council on this issue anyway. He believes that this is a safety issue for his clients. He promised the neighbors that if this curb cut causes any adverse effects on Foster Avenue he would pay to replace the curbing and fencing.

Gary Amendola, 3852 Palmer Drive, Coeur d'Alene, questioned some of the Findings of the Planning Commission in denying their request. First, the Finding that this neighborhood has a trend of being residential. He questioned this Finding in that 2 ½ blocks east and just south is the Social Security Administration Building that has curb cuts and Stepping Stones Day Care also has curb cuts onto the street. He believes this indicates that it is not trending towards residential. Another Finding by the Planning Commission that he questioned was that the Planning Commission concluded the conditions set with the zone change were a contract with the neighborhood. He believes that things change with time and the fact is that creating conditions such as no access on Foster should be changed when the character on Foster Avenue has changed.

Councilman Kennedy asked if the trucks that access their building would create additional traffic on Foster Avenue. Mr. Amendola responded that they would only access Foster from their curb cut on Foster to 4th Street.

Councilman Edinger asked if trucks such as Waste Management were able to make the right-hand turn onto Foster Avenue. Mr. Amendola responded that he believes Foster Avenue is wide enough to accommodate the right-hand turn onto Foster.

Julie Doty, 940 Armstrong Drive, Coeur d'Alene, expressed her concern of traffic safety for her clients when accessing their parking lot on 4th Street. She also commented that as attorneys they go to the courthouse often and they snake through the residential neighborhood to get to the Courthouse, but if access onto Foster was allowed they could go directly west on Foster. Councilman Edinger asked if the access was allowed, would the law firm be willing to sign an affidavit prohibiting employees from parking on Foster Avenue. Ms. Doty said they would be happy to.

Stan Sieczkowski, 501 E. Foster Avenue, took exception to allowing curb cuts onto Foster which he believes would allow trucks access onto Foster. He suggested that the neighborhood and owners of the building come up with a compromise solution. Councilman Edinger asked if there were a right-turn only exit onto Foster, would that resolve his issue. Mr. Sieczkowski responded that he believes that it would be an improvement.

Glenn Vaughn, 416 Foster Avenue, noted that he lives next to the subject property. He also noted that in the Planning Commission meeting minutes Mr. McCrea's response to the right-turn only condition was it would be difficult to regulate. He believes that if the use of the building were to change to a bank with 24-hour ATM it would adversely affect

the quality of the neighborhood. He noted one thing that really troubles him is that the attorneys are trying to sell the Council that the waste management truck needs to access their parking lot when they use toter bins which everyone else is required to place at the curb. He also noted that when he and Martin Stacy had tried to discuss this issue with Mr. Amendola, Mr. Amendola had told them to get off his property. He cited the comments from the Planning Commission members which indicate that there has not been enough change in this neighborhood to warrant amendments to the existing conditions set on the zone change. Councilman Kennedy asked that even if the right-turn only could not be enforced don't you think the trucks would head toward 4th Street. Mr. Vaughn said he could not respond to Councilman Kennedy's question.

Scott Wenzel, 502 E. Foster, believes that the request to amend the conditions would encroach into the residential nature of the neighborhood. He commented that if the business at this location changes, the requested access would adversely affect the neighborhood. He also noted that the existing parking lot is as wide as Foster Avenue and believes that trucks could turn around in their parking lot with minor changes to their parking pattern. He believes that you cannot compare Foster Avenue between 3rd and 4th Street to Foster Avenue east of 4th Street in that there is only one resident between 3rd and 4th Street on Foster. As for having clients cut across 4th Street to the Alert Microsystems parking lot, signage to require a right-hand turn only onto 4th Street would alleviate that concern.

Susan Snedaker, 821 Hastings, Coeur d'Alene, noted that she originally brought up the issue of lighting from this business and this was a condition of the original zone change. She noted that the different uses that are allowed in the current zoning of this size are many and could adversely affect the residential nature of the neighborhood.

Martin Stacey, 424 Foster Avenue, questioned how good is setting conditions when they can be amended. He noted that when the initial zone change was made the conditions were a collaborative effort between the neighbors and the owner of the property. He believes that this is a placid neighborhood and sees no change in the neighborhood except for improvements to existing homes and the only new construction is that of a single-family home. He believes that changing the conditions previously set would be arbitrary and capricious. He believes that there is less traffic on Foster today than in 1994. He is hoping that the Council will stay with the neighborhood on this issue.

Chris Patterson, 2108 N. 11th Street, applauded the owners of the building for looking at safety; however, when using words such as "darting and racing" across 4th street to the parking lot at Alert Microsystems, he asked what would be the difference in crossing 4th Street at Foster and crossing 4th from their driveway to Alert's parking lot. He believes the neighborhood should not be penalized because the applicant took out an encroachment permit and constructed the curb cuts prior to requesting a change to the conditions. He asked that the request to change the conditions be denied.

Steve McCrea questioned exactly how amending the conditions to the zone change would impact the neighborhood. He believes that we should not be talking about "what if's" –

such as, what if a bank moved into the building - does anyone know how many cars actually access an ATM at a bank. He believes that his clients have demonstrated that they are addressing safety concerns that exist which could be resolved by allowing a curb cut and access onto Foster Avenue. He asked the Council to approve the changes to the conditions of the zone change.

Councilman Edinger asked City Engineer Dobler, if the requested changes to the conditions of the zone change were granted, how could people be prevented from turning east onto Foster. Mr. Dobler noted that signage could be placed. Councilman Kennedy believes that compliance is questionable. City Engineer Dobler noted that the widening of the access onto Foster was at his direction because it would be impossible to restrict access to ingress only.

MOTION: Motion by McEvers, seconded by Hassell to deny the appellant's request to remove the 3 conditions to the zone change and deny locating an ingress/egress onto Foster Ave. for the building located at 701 N. 4th Street and direct staff to develop the Findings and Order and bring them back to the next Council meeting based on tonight's deliberations.

DISCUSSION: Councilman Hassell suggested that the owners remove a few parking spaces in the parking lot to allow vehicles to turn around in the parking lot. He does not believe that the conditions have changed enough to warrant amending the conditions. Councilman Edinger commented that when the original zone change was made that the Council made a commitment to the neighborhood to maintain the residential nature of the area. He said that he might have agreed with the appellants if there were a way to enforce the right-hand turn only onto Foster. Councilman Kennedy asked what would be the possible conditions for a middle-ground compromise. Deputy City Attorney Warren Wilson is not sure what the compromise would be but there is always a possibility that common ground could be found. Councilman Goodlander has a real concern about having trucks back up onto 4th Street. Councilman Kennedy commented that he believes that there are allowed uses in a C-17L zone that would not be compatible with having access onto Foster and thus will be voting for the motion to deny.

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

EXECUTIVE SESSION: Motion by Hassell, seconded by Kennedy to enter into Executive Session as provided by I.C. 67-2345 Subsection F: To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated; and, Subsection J: To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed.

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

The session began at 9:50 p.m. Members present were the Mayor, Council, City Administrator, and City Attorney.

Matters discussed were those of litigation and claims.

No action was taken and the City Council returned to regular session at 10:20 p.m.

ADJOURNMENT: Motion by Edinger, seconded by Hassell to recess this meeting to October 24th at 9:30 a.m. at the Coeur d'Alene Inn and then to October 25th at 9:30 a.m. at the Coeur d'Alene Inn. Motion carried.

The meeting recess at 10:20 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk