

MINUTES OF A CONTINUED MEETING OF THE
COEUR D'ALENE CITY COUNCIL
HELD IN THE OLD COUNCIL CHAMBERS
ON JANUARY 14, 2014 AT 12:00 P.M.

The City Council of the City of Coeur d'Alene met in continued session in the Old Council Chambers located at 710 E. Mullan Avenue held at 12:00 P.M. on January 14, 2014, there being present upon roll call a quorum.

Steve Widmyer, Mayor

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

Brad Jordon) Members of Planning Commission Present
Tom Messina)
Rob Haneline)
Peter Luttrupp)
Mike Ward)
Heather Bowlby) Absent

STAFF PRESENT: Troy Tymesen, Finance Director; Renata McLeod, City Clerk; Warren Wilson, Interim Planning Director, Wendy Gabriel City Administrator.

CALL TO ORDER: Mayor Widmyer called the meeting to order and stated that the purpose of the meeting was to discuss the Planning and Land Use Laws.

Interim Planning Director Warren Wilson stated that the hearing procedures may need some updating but are readily available, and reminded those present that they may contact legal staff at any time to ask questions pertaining to this material.

Mr. Wilson explained the differences between administrative, legislative, and quasi-judicial hearings. He clarified that the quorum is determined at the beginning of the meeting that ensures that if someone declares a conflict the group can still conduct the hearing. During a quasi-judicial hearing it is very important for the Council and Committees to declare any ex parte communication/conflicts prior to the start of the hearing. Those with conflicts cannot participate in the hearing, which includes running the meeting. It is best to leave the dais and sit in the back room or audience and not participate in the hearing. He further explained the legal definition of bias and an apparent conflict/bias. Mr. Wilson talked about what ex-parte contact and communication includes, and gave examples such as phone calls/emails received and site visits. He discussed the importance of making the Findings and establishing their relevance. He

clarified that comprehensive plans should help guide an entity and that it is not a legally controlling zoning law.

Mr. Wilson talked about losing a quorum during the course of a hearing, including the option of continuing the hearing to another date or allowing testimony to continue. If the applicant asks for a continuance, and it does not cause a prejudice, it would be allowable. If the applicant submits a proposal during the hearing that is substantially different than the original proposal there may be a need to stop the hearing and re-notice the proposal.

Mr. Wilson discussed the issues regarding the Fair Housing Act specifically pertaining to group homes and the protection allotted under the Civil Rights Act under the American's with Disability Act and the definition of family. Additionally, he discussed weighing evidence and conditions of approval.

Councilman McEvers stated that long ago the Planning Commission completed the Findings and it was very difficult and awkward and now they turn it over to staff, which is much more effective. Mr. Wilson stated that staff is willing to do the Findings; however, the Planning Commission can still do them if they desire. Councilman Adams stated that he received a call regarding the zoning hearing and asked at what point it turns into quasi-judicial. Mr. Wilson stated that the subdivision is quasi-judicial and the conversation should be treated as quasi and that he should direct them to staff for further discussion.

Mayor Widmyer thanked Mr. Wilson for the presentation and reiterated the importance of keeping legal counsel informed of potential conflicts.

ADJOURN: Motion by Luttrupp, seconded by Haneline to adjourn the Planning Commission. **Motion carried.** **Motion** by Edinger, seconded by Adams that there being no further business, this meeting of the City Council is adjourned. **Motion carried.**

The meeting adjourned at 1:52 p.m.

Steve Widmyer Mayor

ATTEST:

Renata McLeod, City Clerk