

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
March 20, 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 March 20, 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 Edinger.

PRESENTATION: UTILITY BOX BEAUTIFICATION: Steve Anthony and Joe Sharnetsky presented the proposed beautification of utility boxes using vinyl wraps. Proposals will be submitted from local artists with the artwork chosen being digitized onto the vinyl wraps. The six locations include Government Way, Northwest Boulevard, Sherman and Lakeside. The goal is to have this beautification project completed by July 27th. It is hoped that next year the beautification project would have artwork completed by area students.

PUBLIC COMMENTS:

PERSON FIELD: Susan Snedaker, 821 Hastings Avenue asked if the City is negotiating with the School District and if they will be entering into an MOU. She also asked if the residents would be notified.

MCEUEN PARK - EAST PARKING LOT: Patricia Anderson, 724 Young, wanted to clarify that she owns the property at 724 Young and it is not owned by LCDC and therefore should not be included in the proposed parking lot. Councilman Goodlander noted that this property is not included as part of the parking lot. Pete Anderson noted that the proposed plan is not a surprise to him. He explained that his family does not currently live at this home; rather, it is currently a rental but they do plan to pass it along to their children.

CITYLINK: Russell McLain, stated he is homeless now since he sold his home and his new home has not yet closed, thanked the person for the cigarette butt can placed at the bus stop on East Sherman and noted that he does not want any more tax dollars spent on CityLink. City Administrator Wendy Gabriel noted that the East Sherman bus stop location in question will be removed from the bus route the first part of April.

LIBRARY OWNERSHIP AND LCDC FUNDING: Frank Orzell, 310 E. Garden, wanted to clarify that he agrees with everything Mr. Tymesen had said at the last Council meeting in that the Assessors records have been corrected for the ownership of the Library and that Mr. Tymesen had shared an email where the Assessor clarified that his office has corrected the records; however, the website is still incorrect. He also noted that in regard to the funding for McEuen Park, Councilman Goodlander stated that LCDC's funding is a line of credit; however, nowhere does the document say it is a line of credit but rather a loan. Councilman Goodlander suggested that Mr. Orzell take his questions to the Finance Committee of LCDC and noted that LCDC has the ability to draw funds as needed but is not charged for the funds until the funds are taken out thus it becomes a letter of credit. City Administrator Wendy Gabriel noted that the records of the Assessor's Office have been corrected but the website cannot be changed until April.

BOAT LAUNCH: Keith Peila, 3537 Highland Drive, noted that the 3rd Street Parking for the boats will be moved to the east side of McEuen Park and wanted to know if there was going to be an access road around the base of Tubbs Hill to go back and forth from the boat launch. He also questioned how the boat trailers would be moved from the boat launch to the City Hall south parking lot when Front Street is under construction. Councilman Kennedy clarified that his letter to the editor meant that there will be no permanent road closures on 3rd and 4th Streets between Front and Sherman.

CONSENT CALENDAR: Motion by Kennedy, seconded by Goodlander to approve the Consent Calendar as presented with removal of Items 3a, 3b, 10 and 12 from the Consent Calendar. Motion carried.

1. Approval of minutes for March 6, 2012.
2. Setting of General Services Committee and the Public Works Committee meetings for March 26, 2012 at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 12-009: 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 EXTENSION NO. 2 TO THE PROFESSIONAL SERVICES CONTRACT WITH PANHANDLE AREA COUNCIL FOR THE COEUR D'ALENE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; APPROVING A LETTER OF AGREEMENT FOR FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT FUNDS CITYLINK PARTNERSHIP WITH KOOTENAI COUNTY FOR; APPROVING AMENDMENTS TO THE AGREEMENT FOR PROFESSIONAL SERVICES WITH J.U.B. ENGINEERS, INC. FOR THE WASTEWATER UTILITY 2012 COLLECTION SYSTEM PROJECTS; APPROVING CHANGE ORDER NO. 1 WITH BUDDY'S BACKHOE SERVICE FOR THE SLOPE REPAIR AND EROSION CONTROL FLOOD CONTROL LEVEE PROJECT; APPROVING CHANGE ORDER NO. 10 WITH CONTRACTORS NORTHWEST, INC. FOR THE WASTEWATER TREATMENT PLAN, PHASE 5; APPROVING A CONSULTANT AGREEMENT WITH FCS GROUP FOR STORMWATER UTILITY RATE STUDY; AND APPROVING AN AGREEMENT WITH J.U.B. ENGINEERS FOR THE WATER COMPREHENSIVE PLAN UPDATE.
4. V-12-1 – Setting of Public Hearing for Vacation of rights-of-way in Taylor's Park Addition for April 17, 2012.

5. Approval of sole source procurement of Wastewater Treatment Plan Tertiary Membrane Filters.
6. Approval of Bills as submitted and on file in the Office of the City Clerk.
7. Setting of Public Hearing for CDBG 2011 Plan Year Consolidated Annual Performance and Evaluation for May 15, 2012.
8. Approval of Cemetery lot repurchase from Rachel Bell.
9. Approval of beer/wine license for Satay at 2501 N. 4th Street
10. ~~SS 1-12 Final Plat approval for Cherry Hill North Subdivision~~
11. Setting of Public Hearing – A-1-12 – Annexation and Zoning for 1000 W. Garden Avenue for April 17, 2012
12. ~~Approval of budgeted vehicles to be purchased by Water Department~~

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

CONSENT RESOLUTION 12-009 Item a

APPROVING EXTENSION NO. 2 TO THE PROFESSIONAL SERVICES CONTRACT WITH PANHANDLE AREA COUNCIL FOR THE COEUR D'ALENE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

MOTION: Motion by Kennedy, seconded by Goodlander to approve Item 3a of the Consent Resolution No. 12-009.

DISCUSSION: Councilman Gookin commented that he is objecting to the extension of the contract as he would prefer that the City seek Request for Proposals instead of just extending the current contract. Councilman Goodlander noted that Panhandle Area Council has been assisting the City for grant administration. Councilman Kennedy noted that this is a one-year extension, that the City's plan is to revise the 5-year plan next year, and that this extension would allow the City to continue working with Panhandle Area Council who has been administering the current 5-year plan until the revised plan is completed. Renata McLeod noted that the original contract allowed for 2 one-year extensions. Councilman Adams noted that the reason he voted against this at the General Services Committee was because he felt that it should go out to bid. Councilman Edinger asked if there were other agencies available. Mrs. McLeod noted that there were originally 3 agencies with two agencies submitting proposals. The reason Panhandle Area Council was selected was a substantial difference in price.

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

CONSENT RESOLUTION 12-009 Item b

APPROVING A LETTER OF AGREEMENT FOR FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT FUNDS - CITYLINK PARTNERSHIP WITH KOOTENAI COUNTY

MOTION: Motion by Goodlander, seconded by Kennedy to approve Item 3b of the Consent Resolution 12-009.

DISCUSSION: Councilman Adams commented on the fuel usage for the month of February the cost was about \$43,000 and the cost for a new firefighter is about \$43,000. He does not believe that it is the government's responsibility to accommodate mass transit and believes that private enterprise should be able to accommodate this service. Councilman Kennedy disagreed with Councilman Adams and believes that it would be beyond short-sightedness to not accommodate those residents who rely on this service for their transportation needs and believes that \$43,000 in a \$77,000,000 budget is well worth the dollars spent for this service. Mr. Tymesen explained that CityLink is a partnership between the City, Kootenai County, Kootenai Medical Center and the Coeur d'Alene Tribe and the grant funds received pays back \$2.60 for every \$1.00 spent and provides ridership for over 575,731 riders last year in our community. He stated that last year the city was awarded \$10.6 million in Federal Funds. Additionally over the last two years, \$13,000,000 in loan funds have been received from DEQ for WWTP expansion but if the city did not use this Federal Funding source and went out for a bond it would have cost the City an additional \$4,000,000. He also noted that the City has not increased their full 3% of the City General Fund Budget over the years due to Federal Grant dollars being received. He noted that with the Government Way project from Dalton to Hanley the cost is over \$4,000,000 and an LID for the 35 property owners along that route would have cost each owner \$114,000 for their share of this improvement project. He also reported that the City's Police Department currently has 4.25 FTE positions funded by Federal Grants. Councilman Adams noted that the Federal Deficit is growing and thus it is against the Idaho State Constitution to take Federal Funds. City Attorney Mike Gridley noted that we are not violating the State Constitution by taking Federal Funds. Councilman Adams responded that he does not agree with the City Attorney. Councilman Gookin believes that by taking Federal Funds it is a means of the Federal Government to control local governments; however, his biggest issue comes down to the other functions that CityLink funds provide including the para-transit service for those residents who cannot drive and therefore he is unwilling to vote against this partnership. Councilman Adams believes that the taxi companies can pick up the ridership from the buses. Councilman Kennedy asked why then haven't taxi companies done this. Councilman Adams suggested that it could be due to a lack of revenue for the companies but thought they could at least have a sliding fee scale.

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

SS-1-12 – FINAL PLAT APPROVAL FOR CHERRY HILL NORTH SUBDIVISION: Motion by Goodlander, seconded by Kennedy to approve the final plat for Cherry Hill North Subdivision.

Councilman Edinger believes that this is so the Legion Ball Field can be moved from McEuen Park to this site and he opposes the removal of the Legion Field from McEuen Park.

ROLL CALL: Gookin, No; Kennedy, Aye; Edinger, No; Adams, No; McEvers, Aye; Goodlander, Aye. Motion carried with the mayor's tie breaking vote in the affirmative.

BUDGETED VEHICLE PURCHASES FOR WATER DEPARTMENT: Water Superintendent Jim Markley reported on the process of vehicle purchases using the State Bid as a resource in receiving quotes from local vendors. Councilman Gookin noted that the original report showed that the vehicle was to be purchased from Mountain Home since that was the lowest quote compared to local quotes; however, Lake City Ford has now come in with a lower quote. Councilman Goodlander commented that she was the one that originally brought this issue up and asked staff to work with local vendors to buy local. Councilman Edinger supports buying locally if at all possible, but wanted to know if Mountain Home was given the opportunity to rebid. Mr. Markley explained that the Mountain Home amount was the successful bid amount provided to the State for the annual bid process which is in excess of \$25,000; however, this bid amount can be used by citizens to negotiate quotes for purchases under \$25,000.

MOTION: Motion by Gookin seconded by Kennedy to approve the budgeted purchase of vehicles for the Water Department. **ROLL CALL:** Gookin, Aye; Kennedy, Aye; Edinger, Aye; Adams, Aye; McEvers, Aye; Goodlander, Aye. Motion carried.

RECESS: Mayor Bloem called for a recess at 7:40 p.m. The meeting reconvened at 7:47 p.m.

COUNCIL ANNOUNCEMENTS:

COUNCILMAN KENNEDY: Councilman Kennedy announced that the Specialized Recreation fundraising dance featuring the Rhythm Dawgs will be held on April 21st at the Eagles. He also announced that the City's Finance Department has placed the City's check register on line via the city's website.

COUNCILMAN GOOKIN: Councilman Gookin expressed his condolences for Ray Zuleski who passed away this month and who was a prominent member of the Republican Party.

COUNCILMAN GOODLANDER: Councilman Goodlander noted that that Parks Department now has the current McEuen Park plan posted on its website.

COUNCILMAN ADAMS: Councilman Adams reported that he attended a Street Department "End of Winter" lunch, did a ride along with Officer Kelly, and toured the Police Department.

COUNCILMAN McEVERS: Councilman McEvers commented that tonight's meeting is not always like what happened tonight. He commented that young Dryden McCalla regularly comes into his restaurant with grandparents. His grandmother told Councilman McEvers that her grandson had been watching the Council meeting in another room, and had run into the room where she was and informed her that he saw Woody with his "Mom" on TV.

APPOINTMENTS – JEWETT HOUSE ADVISORY BOARD AND PED/BIKE

ADVISORY COMMITTEE: Motion by Kennedy, seconded by Goodlander to appoint Kathleen Saylor to the Jewett House Advisory Board. Councilman Gookin asked that the City put forth a little more effort to recruit other residents for the various committees instead of utilizing the same residents for the various committees. Councilman Goodlander commented on Mrs. Saylor's strong interest in the Jewett House. Councilman Edinger believes that Mrs. Saylor would be a great asset to this Board. Motion carried with Gookin voting no.

Motion by Goodlander, seconded by Edinger to appoint Jenni Gaertner to the Pedestrian/Bike Advisory Committee. Motion carried.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel announced that the Government Way project is under way. The first phase includes installing a sewer main in: Government Way between Dalton and Hanley Avenues; Dalton Avenue east of Government Way about one-half block; Hanley Avenue east of Government Way about one-half block. Although two-way traffic will be maintained on Government Way, the driving public may experience delays. At times, drivers will be diverted to a gravel shoulder. Sewer installation on Dalton and Hanley avenues will require one-way traffic with flaggers. Following installation of the sewer main, the roadway will be reconstructed to create a five-lane roadway with sidewalks on both sides. During this time, additional water and storm sewer utilities will be installed. Sewer work is anticipated to be completed by April 30th. Reconstruction of the roadway is scheduled to begin on May 1st with an anticipated completion date in September. For more information, please contact 769-2228. You can also call the Urban Forestry Division of the Parks Department at 769-2266. The City of Coeur d'Alene is happy to announce the availability of free street trees for new neighborhoods. The Recreation Department recently held its final AAU Tournament of the season. For the two tournaments held in February and March we had 33 teams participate. Out of the 33 teams, 25 were from out of town. In all there were about 370 players and coaches, and approximately 700 to 800 spectators. We had teams competing from Montana, Lewiston, Moscow, Eastern Washington, and Western Washington. These tournaments bring out of town visitors to our town during the off season and give our restaurants and hotels some added business. Special thanks to Steve Anthony, Recreation Director, Paula Austin, Tournament Director, and the rest of the Recreation Staff for a job well done! Congratulations to the Fire Department's Employee of the Year - Mandy Jacques for 2010 and Bill Deruyter for 2011. 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. A new site called "McEuen Park Currents" has been created and it is located at www.cdaidparks.org. Just scroll down the Parks Department home webpage and you will find the "McEuen Park Currents" link. The former McEuen website has been removed. The information on the web site at this time is the power point presentation that was given at the City Council meeting on March 6th. A historical review/recommendation sub-committee is also being created to help capture the changes that have occurred in the McEuen Park over the past 100 plus years so that historical signs can be incorporated into the park plan. Citizens on Patrol Program have responded to 1093 abandoned vehicle calls, issued 1,296 parking citations and volunteered a total of 2,392 hours. We have been notified that the embankment around the Riverstone Pond is sloughing in several locations. The "fix" on this problem is to drain the pond to a level low enough to make the repairs. The city cannot pump the water out of the pond as the swales will not contain that volume of water and water quality rules prohibit pumping the water directly back into the Spokane River. As a result, evaporation and irrigation usage will draw the pond down but will take some time. So, when you see the pond level getting low and the embankment and liner exposed, it is just because the water level is being drawn down for bank and liner repairs. The City is currently accepting applications for beach manager, lifeguards, seasonal grounds maintenance workers, and a firefighter. Specialized Needs Recreation, Camp All-Stars Spring

Break will be March 26-30. Library will be hosting a reception for Dorothea Maley to be held on March 22nd at 7:00 in the Library Community Room.

Councilman Edinger asked if the City could adopt a buy local policy. Administrator Gabriel noted that there was a very old policy that staff could revisit. Councilman Edinger asked if the City would advertise committee/commission/board openings.

RESOLUTION NO. 12-010

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A REAL ESTATE PURCHASE AND SALE AGREEMENT & AN EASEMENT AND PARKING AGREEMENT WITH THE COEUR D'ALENE AERIE NO. 486 FRATERNAL ORDER OF THE EAGLES, INC., ITS PRINCIPAL PLACE OF BUSINESS AT 209 E SHERMAN AVENUE, COEUR D' ALENE, IDAHO 83814.

Motion by Kennedy, seconded by Goodlander to adopt Resolution 12-010.

DISCUSSION: Councilman Kennedy noted that this agreement is a result of what the Council has already voted on regarding the purchase this property and this is the formal agreement and believes the shared parking agreement will be beneficial to both parties. Councilman Gookin asked about the maintenance of the parking lot. Mr. Gridley noted that he believes that there would be very little maintenance on this lot as parking lots don't break down as roads do. Councilman Gookin asked about the reference to the Eagles and their successors which mean the Eagles could sell it and rezone to commercial so this could mean that the City would be providing parking to a commercial enterprise. Mr. Gridley responded that a zone change would have to go through Planning and the Council. Councilman Gookin asked if the Eagles sold their property would the new owner be allowed to also sell beer. Mr. Gridley noted that only if it was for a similar use and in other words a bar would not be allowed due to the city's regulations regarding a bar being within 300 feet of a park. Councilman Gookin asked if the 0% interest rate was a result of the Eagles not being able to get their loan. Mr. Gridley noted that this is not a loan but rather money being paid over time through an escrow account.

ROLL CALL: Adams, No; Edinger, No; Goodlander, Aye; Gookin, No; Kennedy, Aye; McEvers, Aye. Motion carried with the Mayor's tie-breaking vote in the affirmative.

ORDINANCE NO. 3436 COUNCIL BILL NO. 12-1011

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING MUNICIPAL CODE SECTIONS 10.40.010 AND 10.40.050 TO PROVIDE THAT TRANSIT BUSES MAY STOP WITHIN BIKE LANES WHILE LOADING AND UNLOADING PASSENGERS AND REMOVING REDUNDANT REGULATIONS; 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 McEvers to pass the first reading of Council Bill No. 12-1011.

Councilman Adams reported that the Ped/Bike Committee did review this code amendment and has no objections to the changes.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 12-1011 by its having had one reading by title only.

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

ORDINANCE NO. 3434
COUNCIL BILL NO. 12-1009

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING MUNICIPAL CODE SECTIONS 5.56.040, 5.68.100, 5.68.110 AND 5.68.130 TO CORRECT CLERICAL ERRORS CONTAINED IN THE ADOPTED CODE SECTIONS; 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. 12-1009.

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

Motion by Goodlander, seconded by Edinger to suspend the rules and to adopt Council Bill No. 12-1009 by its having had one reading by title only.

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

ORDINANCE NO. 3435
COUNCIL BILL NO. 12-1010

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING , PORTIONS OF RIGHT-OF-WAY IN THE KOOTENAI ADDITION, RECORDED IN BOOK "C" OF PLATS, PAGE 8, RECORDS OF KOOTENAI COUNTY, GENERALLY DESCRIBED AS PORTIONS OF NORA AND MELROSE STREETS, AND, THE ALLEY IN BLOCK 2, ALL NORTH OF EMMA AVENUE, COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL

ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Edinger, seconded by Kennedy to pass the first reading of Council Bill No. 12-1010.

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

Motion by Goodlander, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 12-1010 by its having had one reading by title only.

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

PUBLIC HEARING – ZC-1-12 – ZONE CHANGE AT 2101 ST. MICHELLE DRIVE:

Mayor Bloem read the rules of order for this quasi-judicial public hearing. No conflict of interest was declared by any Council member. Councilman Adams noted that he had a conversation with one of the residents regarding Mr. Brake's concerns regarding emergency vehicles during peak school times. Dave Yadon, Planning Director, gave the staff report.

Mr. Yadon gave the applicant's name as Ron Glauser, the area as 5-acre parcel at 2101 St. Michelle Drive and the reason for the request as a zone change from R-1 to R-8. He noted that the applicant is planning on developing an assisted living facility. He then provided the staff analyses for land uses, neighborhood characteristics, zoning, Comprehensive Plan, utilities, and traffic/streets.

He noted that the Planning Commission recommends the following conditions be placed on this zone change:

- Maximum number of residents is 80.
- Access points to the property must be located to minimize conflicts with Woodland Middle School as approved by the City Engineer
- Preserve as many trees on the site as possible.

Mr. Dobler reported on the traffic analysis for this property noting that St. Michelle Drive can handle 3 times the traffic as currently exists on that roadway. He noted that the school traffic occurs two times a day, each for approximately a ½ hour period of time and the remaining 23 hours in the day are normal residential traffic flow. He noted that other assisted living facilities have between 49-80 emergency calls per year.

Councilman Edinger asked about the number of trees that would need to be removed from the property for the construction of this facility. Mr. Yadon presented the proposed site plan for this property which includes the placement of trees around the facility.

Councilman Kennedy noted that one of the conditions was to save as many trees as possible, and asked if staff would be there to assure that the largest number of trees as possible are saved. Mr. Yadon noted that the applicant would go through a project review where the number of trees would be determined.

Councilman McEvers asked when Coeur d'Alene Place was established. Mr. Yadon noted that it began in 1994. Councilman McEvers asked about the storage facility. Mr. Yadon noted that the approval for the storage facility occurred during the initial Coeur d'Alene Place zoning.

Councilman Kennedy asked how can the City assure that the Prairie Trail would not be compromised. Mr. Yadon responded that the applicant had been in discussion with city staff and construction of this facility would not impact the trail.

There being no further questions for Planning Director Dave Yadon, the Mayor opened public testimony.

PUBLIC COMMENTS: Mindy Weber, 2900 Government Way #78, spoke as applicant, noting that their plan is to develop five houses for an assisted living facility and in order to obtain a Special Use Permit it would require an R-8 zoning. She noted that in regard to the trees, as the owners of the Four Seasons facility, they planted every tree on that site and with this new site the plan is to plant a variety of trees. She also noted that most facilities of this nature are located on less than 3 acres and this property is 5.7 acres. She believes that their proposal is compatible with the neighborhood characteristics and that their ingress/egress will more than likely occur at the southern portion of the site onto St. Michelle. In response to Councilman Kennedy's question, she commented that it took approximately 15 months to construct their first building at the Four Seasons. She also noted that they had conducted an independent study of the traffic flow and their results show that traffic flow on St. Michelle Drive can handle emergency vehicles. Councilman Adams asked about emergency vehicles accessing the trail if necessary. Mr. Dobler responded that it could be possible to access the trail if absolutely necessary. Councilman Adams asked their timeline in accepting residents for their facility. Mrs. Weber explained their marketing efforts. Councilman Adams asked about employees. Mrs. Weber noted that they anticipate approximately 40 employees for this facility. Councilman Edinger noted that it would be 5 units with 16 residents per unit and that shift change would be between 4 and 5 p.m. Mrs. Weber responded that school's peak time is 2:30 to 3:30 p.m. thus their employees would not conflict with the schools peak traffic flow. She also noted that she had spoken with Principal Chris Hammond who commented that he lives in the Cd'A Place area and believes that this is a compatible site for this facility and for the students. Councilman McEvers asked about their facility at 4th and Dalton next to the high school and if they had to go through the same process with that facility. Mrs. Weber reported that they did go through the similar process and that that facility is actually placed between Canfield Middle School and the Coeur d'Alene High School. Councilman McEvers asked about old folks wandering off. Mrs. Weber responded that is it possible but they would have a secure facility with an access code system and that care givers are available 24/7 and the five units are connected by a privacy fence so the inner courtyard would prevent residents from wandering off. Councilman Kennedy asked if this was an Alzheimer's facility. Mrs. Weber responded that this would not be that level of care and if a resident reaches that level of care, they would have to transfer them to another facility authorized by the State to care for that type of resident.

Andrew Brake, 2536 W. Versailles, spoke in opposition to the requested zone change noting that there had been two accidents at that location since January 10th. He noted that the Coeur d'Alene Place residents want to keep this zoning at R-1. He believes that traffic would prevent emergency access during the peak traffic hours. He also believes that the current traffic would prohibit this

facility from being constructed at this site. He believes that everyone in Coeur d'Alene Place opposes this zone change although many would prefer an assisted living facility vs. HUD workforce housing. He noted that if the facility could have its own access directly onto Kathleen that would be more acceptable. He believes that this property should be used by the School to create a bus turn-around. He also noted that the residents would like to turn this property into a park. Councilman Adams asked about no parking on one side of the street. Mr. Brake responded that would be a great help and noted that the school could also reconfigure their entrance for buses to help with the traffic flow. Councilman Edinger asked about an access off of Kathleen requiring the road to cross the Centennial Trail. Mr. Brake responded that this is correct but that type of access would alleviate the traffic issues on St. Michelle.

Dean McConnachie, 732 S. Canal Street, spoke in support of the requested zone change and although traffic may be slower during peak traffic time he believes that the emergency vehicles could access this facility. He also noted that none of residents of this proposed facility would have cars and that this facility is essentially a peaceful, residential facility and believes that it is a reasonable type of use for this site. Councilman Gookin asked Mr. McConnachie what his profession was. Mr. McConnachie responded that he is a real estate agent.

Mrs. Weber again noted that in order to receive their Special Use Permit, they need the R-8 zoning and that this proposed facility would work well within this neighborhood. In response to Mr. Brake's comments that no one wants this and everyone is against this, she noted that several residents in the neighborhood that came forward during the Planning Commission meeting were in support of this project. She noted that the residents of this type of facility do not drive and visitors come during off peak traffic times. She noted that they will have on-site fire hydrants. Also traffic does flow well and noted that State requirements limit the number of residents per home to 16. She also believes that the R-1 zoning was created a long time ago, and that today there are very few R-1 zoning sites within the city and that their requested R-8 zoning is what is currently in existence in this neighborhood. In regard to making this lot a bus turn-around, the buses load on the other side of Woodland Middle School and there is ample parking at the school for those parents who choose to park along St Michelle. In regard to no parking on one side of the street, she noted that she has always observed adequate traffic flow and parents don't tend to park on the west side of the street as they don't like their children crossing the street.

MOTION: Motion by Goodlander, seconded by McEvers to approve the requested zone change at 2101 St. Michelle Drive and to direct staff to prepare the Findings and Order.

DISCUSSION: Councilman Goodlander frequently passes the Four Seasons on 4th Street and views that location as immaculate and well done. She likes the plan for this site including retaining the trees and does not see a traffic problem and does not believe that access onto Kathleen would be feasible for crossing the Centennial Trail. She also likes the idea of having the students at Woodland Middle school participating in their programs and with the residents.

Councilman Gookin asked about accident reports for this area. Mr. Dobler noted that there are reports but they are not available tonight. Councilman Gookin referred to the access from the Centennial Trail for emergency vehicles. Mr. Dobler responded that would almost be impossible as with the access directly onto Kathleen.

Councilman Edinger asked about parking on both sides of the street. Mr. Dobler responded that he has not observed any need to remove any parking on the street.

Councilman McEvers asked about reconfiguring the ingress/egress at Kathleen and St. Michelle. Mr. Dobler responded that there is no reason to reconfigure since modifications have already been made to help traffic flow.

Councilman Kennedy noted that actually parents are in their cars waiting for their children, so if an emergency vehicle did approach the drivers could easily move their vehicles out of the way.

Councilman Adams thanked Mr. Brake for testifying tonight. He noted he believes in property rights and job creation and thus will support this zone change. Councilman Kennedy spoke in support of this zone change. He also noted that several people who came to the Planning Commission meeting first opposing the zone change but changed their minds following testimony.

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

RECESS: Mayor Bloem called at 9:55 p.m. for a short break so the tapes can be changed for recording this meeting. The meeting reconvened at 10:00 p.m.

PUBLIC HEARING – ZC-1-12 – ZONE CHANGE AT 802 E. YOUNG: Mayor Bloem read the rules of order for this quasi-judicial public hearing. No conflict of interest was declared by any Council member. Councilman Dan Gookin disclosed that he visited the site and knows the owner of this property. Councilman Adams noted that he grew up 1 ½ blocks from this home. Sean Holm, City Planner, gave the staff report.

Mr. Holm gave the applicants' name as Stu and Callie Cabe residing at 501 S. 17th Street, the location as a 0.152-acre parcel at 802 E. Young Avenue, and the reason for the request as a zone change from R-12 to R-12 DO-E. He explained the formulas used in determining the building size allowed in the Overlay District. He then provided the staff analyses for land use, neighborhood characteristics, Comprehensive Plan, utilities, and traffic/streets. He noted that the reason for the applicants' request is in order to add decks onto the house.

Councilman Gookin asked about the shoestring connection to the LCDC property on Young and asked if any of the other overlay districts contain a shoestring connection. Mr. Holm responded that this is the only overlay district with a shoestring. Councilman Gookin questioned why the subject project does not have the required setback requirements. Mr. Holm responded that this house was constructed in the late 1800s, early 1900s prior the city's setback requirements.

Councilman McEvers asked about the conversion from a 4-plex to a duplex. Mr. Holm responded that this is a non-conforming use in that if the house was razed it would only allow a single-family dwelling unit; however, since they demolished internally to become a duplex, since it is a reduction in current use that would be allowed. Mr. Holm noted that this request is to allow the construction of a deck that would not be allowed under the current zoning setback requirements and thus they are applying for inclusion into the Overlay District. Councilman Kennedy asked

what would be the worst case scenario if this overlay was allowed for this property. Mr. Holm responded that they would be able to have a maximum 6,600 sq. foot dwelling unit.

PUBLIC COMMENTS: Stu Cabe, 501 S. 7th Street, spoke as applicant noting that their desire is to preserve the building. He understands that the neighbors concern is an increase in the number of dwelling units on this property; however, his intent is to preserve 85% of the structure and change it from a four-plex into a duplex. Councilman McEvers asked if there are any areas of compromise in his design without obtaining the DO-E zoning. Mr. Cabe responded that without the DO-E zoning he could not even rebuild what previously existed. He was also hoping to enhance the property by building a deck over the old carriage house site. Todd Walker, 10444 Lakeview Dr. Hayden Lake, architect, commented that they have been working with the City in order to complete the plans to preserve this building. He noted that the concern of the neighbors, who reside within the DO-E and located across the street from this lot, is the construction of a multi-family unit on their property; however, the Cabes' just want to restore this building. Comments he has heard from the area neighbors is positive in light of converting this building from the current 4-plex to a duplex. Councilman Adams asked about the landscaping. Mr. Walker described the landscaping for the property. Eric Fauskin, 516 S. 16th Street, spoke in support of the requested zone change to a DO-E in that it would help correct some of the building issues the applicants' face. He believes that the proposal meets the objectives for neighborhood characteristics by preserving and enhancing the neighborhood with the proposed improvements. He sees this as an opportunity to rebuild what was there.

Peter Anderson, S. 2820 Manito Blvd., Spokane, WA and owner of the property at 714 Young, asked that if the Council extends the DO-E boundaries to the subject property he would like the City to remove the DO-E from his block so LCDC cannot turn his block into a parking lot. He objects to extending the DO-E to this property but would rather see if there is a variance that could be permitted to allow the applicant to do what they want to do without extending the DO-E.

Glenn Balsley, 810 Pine Ave., spoke in opposition to the DO-E boundary extension to this property.

Dean McConnachie, 732 S. Canal Street, noted that Mr. Cabe is not requesting an increase in the zoning density but is simply requesting that the DO-E boundary be extended to his property. He noted that the maximum height that would be allowed with the DO-E would be 3 feet taller than the existing house. Therefore, he is in favor of this request.

Mayor Bloem asked if a hearing of this type could be tabled in order to change the variance ordinance as a way to better serve this property. Mr. Gridley responded that variances are governed by State land use law. Mr. Gridley noted that they could continue the hearing to a time certain; however, the City has in place codes that help people in these situations.

Mr. Cabe, in response to a delay, commented that it would severely handicap and financially impact him as a homeowner. He noted that they have already been held up 90 days to get to this evening's hearing. He is asking to work within the parameters currently available to him.

MOTION: Motion by Kennedy, seconded by Edinger to approve the requested zone change and to direct staff to prepare the Findings and Order.

DISCUSSION: Councilman Kennedy believes that Council should honor this request and move forward. Councilman McEvers believes that the Council should be allowed to approve variances whenever they want but he has a concern about extending a boundary line just to accommodate an individual property owner. Councilman Kennedy supports the overlay district guidelines. Councilman Edinger concurs with Councilman Kennedy's comments and would also like to see the City help Mr. Anderson's concerns as well.

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

ADJOURNMENT: Motion by Kennedy, seconded by Edinger that, there being no further business before the Council, this meeting is adjourned. Motion carried.

The meeting adjourned 11:40 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk