

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL,
FEBRUARY 4, 2003**

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 February 4, 2003 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Chris Copstead)	Members of Council Present
Dixie Reid)	
Deanna Goodlander)	
Woody McEvers)	
Loren Edinger)	
Ben Wolfinger)	

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

INVOCATION: The invocation was led Troy Tymesen, City Finance Director.

PLEDGE OF ALLEGIANCE was led by Councilman McEvers.

PROCLAMATION – DOMESTIC VIOLENCE PREVENTION MONTH:

Council President read the proclamation on behalf of Mayor Bloem who proclaimed the month of February as Domestic Violence Prevention Month. JoAnn Jackson, representing the Soroptimist International Organization accepted the proclamation.

PRESENTATION – ANNUAL POLICE DEPARTMENT REPORT: Police Chief, Tom Cronin, reported on the activities of the Police Department for the past year. He noted that this past year the crime rate has decreased by 4%, traffic accidents went down with the Chief noting that the high accident intersections all went down except at Kathleen and US 95, citations increased 26% with no proof of insurance and no use of seat belts being the top offenses, DUI charges increased 14%. The Chief reported that Justice, the newest member of the Police Department, is the first K9 on the Police force. The amount of drug charges went up 6% and the number of meth labs increased by 80%. Calls for domestic violence increased slightly as well as a slight increase for child abuse. Crime on school campuses decreased again this year that the Chief attributes to the SRO's and the addition of a fifth officer to the SRO program. The D.A.R.E. program continues to educate students at various area schools. The Police Department has had an increase in range training for non-lethal weapon use. 20% more officers received training than the previous year. Parking citations are slightly down this year. Chief Cronin noted that this report would be on the City's web for residents to review.

BEER/WINE LICENSE – TORCH LOUNGE: Councilman Wolfinger announced that the applicant has requested that his application for license be pulled.

PUBLIC COMMENTS:

TORCH LOUNGE: Scott Harris, relocating from Boise, working for Chief Architect Software, voiced his concern about parking issues. He noted that the owner had approached his organization stating that he plans on 200-300 people attending the Torch Lounge. He noted that if this does occur, his business may need to move from the downtown area.

CONSENT CALENDAR: Motion by Wolfinger, seconded by Edinger to approve the Consent Calendar as presented; however, to remove Item 6, pending investigation of the applicant.

1. Approval of minutes for January 21, 2003.
2. Setting of General Services and Public Works Committee meetings for February 10, 2003 at 4:00 p.m.
3. RESOLUTION 03-024- A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVAL OF A LETTER OF AGREEMENT WITH UNIVERSITY OF IDAHO, FOR THE PRESENTATION OF A TRAINING PROGRAM ENTITLED "UNDERSTANDING COLLECTIVE BARGAINING; PLANNING AND LEADING SUCCESSFUL NEGOTIATIONS; APPROVAL OF A BID AWARD FOR TML CONSTRUCTION, INC., FOR BUILDING MODIFICATIONS FOR THE LOCUST AND HANLEY WELL UPGRADE; APPROVAL OF DISPOSAL OF PUBLIC RECORDS AS REQUESTED BY THE LIBRARY; AND APPROVAL OF AN EXTENSION OF A LEASE AGREEMENT WITH NEXTEL WEST CORP., FOR SPACE ON THE PRAIRIE STANDPIPE.
4. RESOLUTION 03-025 – A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ACKNOWLEDGING THAT KOOTENAI COUNTY WILL BE THE LEAD AGENCY FOR THE APPLICATION AND RECEIPT OF SECTION 5307 URBANIZED AREA PROGRAM FUNDS FROM THE FEDERAL TRANSIT ADMINISTRATION.
5. Authorize staff to advertise for bids for the Shadduck Lane Park Projects.
6. Approval of beer/wine license for Canton Restaurant
7. Approval of cemetery lot transfer from Dorothy Cook to William and Bonnie Putnam
8. Approval of bid specifications and authorizing staff to advertise for bids for the purchase of a wastewater centrifuge.
9. Direct staff to proceed with negotiations to purchase a well site.

ROLL CALL: Goodlander, Aye; Edinger, Aye; Wolfinger, Aye; Copstead, Aye; McEvers, Aye; Reid, Aye. Motion carried.

PUBLIC HEARING – S-7-02/PUD-2-02 – APPEAL OF BRIARWOOD PUD AND PRELIMINARY PLAT: Mayor Bloem read the rules of order for this public hearing. No conflict of interest was declared by the Council. John Stamos, Associate Planner, gave the staff report.

Mr. Stamos gave the applicant's name as Steve White, the location as a 10-lot subdivision on the west side of 4th Street, north of Best Avenue and just south of Ichabod Lane, and the reason for the request as approval of the Briarwood PUD with modifications.

He went on to give the staff analyses for land use and neighborhood characteristics, sewer, water, stormwater, streets and utilities. He reported that the Planning Commission denied the request without prejudice on December 10, 2002. He reported that 101 notices of this public hearing were mailed on January 17, 2003 with 9 responses being received - 0 in favor, 5 opposed, 4 neutral. Written comments were distributed for Council review.

PUBLIC COMMENTS: Steve White, 855 E. Northwood Ct., Hayden, spoke as applicant and requested Council approve his PUD and preliminary plat noting that he feels that their application for a PUD meets or exceeds City requirements. Paul Daugharty, attorney for the applicant, commented that his applicant meets all of the requirements for this zoning and requested that Council approve this PUD and Plat.

Motion by Copstead, seconded by Edinger to deny without prejudice the Briarwood PUD and preliminary plat and to adopt the Findings and Order of the Planning Commission. **ROLL CALL:** Copstead, Aye; Edinger, Aye; Goodlander, No; McEvers, Aye; Reid, No; Wolfinger, No. Motion failed with the Mayor voting no.

Motion by Reid, seconded by Wolfinger to approve the appeal and accept the PUD and the Findings as presented by Council President Reid. **ROLL CALL:** Copstead, No; Edinger, NO; Goodlander Aye; McEvers, No; Reid, Aye; Wolfinger, Aye. Motion carried with Mayor voting in the affirmative.

Motion by Reid, seconded by Wolfinger to approve the plat for S-7-02 and adopt the findings as presented by Council President Reid. **ROLL CALL:** Copstead, No; Edinger, No; Goodlander, Aye; McEvers, No; Reid, Aye; Wolfinger, Aye. Motion carried with the Mayor voting in the affirmative.

RECESS: Mayor called for a recess at 7:55 p.m. The meeting reconvened at 8:07 p.m.

PUBLIC HEARING – O-5-02 – HILLSIDE DEVELOPMENT REGULATIONS: Mayor Bloem read the rules of order for this public hearing. Dave Yadon, City Planner, gave the staff report.

Mr. Yadon reviewed the changes made from the previous public hearing and Council

workshop that included environmental protection, scenic and aesthetic requirements and public safety. He noted that if the Council approves these changes and to adopt an ordinance, then a public hearing should be scheduled for March 4, 2003. If the Council wishes to make additional changes, then an additional workshop can be held prior to February 17, 2003.

PUBLIC COMMENTS: Motion by Reid, seconded by Copstead to limit public comments to 3 minutes per speaker. Motion carried. Richard Mills, 931 N. Veranda Dr. Fernan Hills, stated private property owners would lose the right to develop their property. Kim Cooper, 2310 Penn Ave., feels that it is not the Council's right to impose design standards on private property. Gray Kimball, 2104 Columbine Ct., Post Falls, requested the Council change the percentages to something more reasonable. He also requested that the driveway length be based on the size of the lot. He also opposes the definition of development as it relates to trees and opposes appeals of decisions by city employees be made to the Council who supervises the employees. Sam Escovara, 3014 Fernan Terrace Drive, opposes the penalties for properties on hillsides compared to penalties for residents in the flat lands. He also opposes property owners being responsible for erosion control restrictions, the limitation on driveway length, or retention of property in a natural state. He also feels that homeowners currently in a subdivision should be grandfathered in. Walt Hanneke, a Post Falls architect, 14924 W. Dr., Veradale, WA, opposes the regulations on fill slopes or roadway gradings. He requested that requirement read "Total sum of vertical cut and fill not exceed 60 feet". Tammy Shaw, 3700 Fernan Hill Road, feels that the amount of money it costs a property owner for hillside development, and opposes that the homeowner must have a tree inventory completed prior to developing the property. Scott Reed, 408 Front Street, speaking on behalf of the City of Fernan agreed with Councilman Edinger that the DEQ should be held accountable to review their requirements. He feels that any development on steep hillsides will produce sedimentation into the lake no matter how well a development is engineered. He requested a delay in the adoption of Section 9 with the object of providing current data to the development on the hill and asked that this research be completed and presented to the Council within 6 months. Allen Isaacson, 3023 Westwood Ct., Fernan, a hydrologist for the City of Fernan, distributed findings of the probability of erosion if development on the hillside is approved. He also felt that you could not cut into the hillside for roadway without scarring the site. He also reported the condition of Fernan Lake and the damage that would be caused by development on the hillside and asked that the Council continue the moratorium until the EIS study is completed on the east side of the lake. He noted that it could take up to one year to complete their EIS study for the roadway. DEQ had conducted the Lake Management Plans for all lakes except Fernan. Carl Hartman, 3410 Lodgepole, feels that the slope measurement is wrong and the retention of natural state is also wrong. Sheri Howell, 1711 Jenny Lynn Lane, Cd'A, noted that Lake Management Plans were done by the State; however, the funding ran out before DEQ could complete the Lake Management Plan for Fernan Lake. She noted that stormwater, road development and erosion will adversely impact the quality of Fernan Lake. DEQ is also requiring both Cd'A and Fernan to complete a stormwater plan. She requested that the Fernan Hillside be bifurcated from the Hillside regulations until the Lake study can be completed. Mike

Perez 3747 Sky Harbor Dr., President of Armstrong Park Homeowners Association, noted that the majority of homeowners in Armstrong Park are in favor of these proposed regulations and hopes that the City has the ability to enforce these regulations. He also noted that too many trees were removed from his development which resulted in erosion on this hillside. Janet Robnett, whose business is located at 701 Front Ave., Suite 101, feels that the proposed regulations are inconsistent and open the City for a lot of law suits. She has problems with tree removal and suggests that trees removed to meet wildfire control should not be replaced. She suggested that the PUD clarify site specific design and should address the hillside issues. She encourages the moratorium be lifted. Kevin Krieg, 2910 W. Seltice Way, representing Citizens with Property Rights, opposed the moratorium and thus Council is taking away property rights. He felt that erosion, foundation, stormwater management have State and City codes that address these issues. He questioned the effects to the City if this ordinance is enacted and the City faces multi-million dollar lawsuits, and he felt the City is targeting one property owner on the north side of Armstrong Park. Joe Corridge 3600 Fernan Hill Road, lived in South Lake Tahoe and they took away the rights of the property owner to develop their own property and the City is doing the same thing here. He suggested that the Council, to save the City from lawsuits, scrap this ordinance and just use the existing building codes. Ron Douglas, 214 Lakeview Dr., stated the Council needs to protect the rights of the citizens who use the lakes and hopes that the Council adopts the strictest standards that they can. Bill Radebanko, 7500 Mulholland, Dalton Gardens, suggested that if these regulations were adopted that the Council would be putting a moratorium on development on hillsides. He submitted his comments on the proposed regulations in writing. He noted that slopes should be in degrees, not percentages. He requested that once the regulations are prepared, that he could be able to put a price on the additional cost of building compared with these regulations. Loretta Hartman, 3410 Lodgepole, Cd'A, distributed a petition and notice to attorney. EPA has standards called Phase 2, Rule 2 for hillside development. She cited other cities that have hillside development regulations. Mike Reagan, 1044 Gov't Way, President of the Council for Fernan Village, voiced his concerns that Fernan Lake is different from other lakes and does need protection from hillside development. He asked that the Council extend the moratorium for an additional six months so Fernan Village can perform any needed studies of Fernan Lake. Ron Catlin, 986 Victorian Dr., feels that the proposed regulations take away property rights from the citizens of Coeur d'Alene. He doesn't like these political games. Pat Acuff, 112 Hazelwood Rd., Mayor of Fernan Village, stated that Fernan Lake is fragile and would like the moratorium continued only on the hillside south of Fernan Lake so they have time to complete their study of the lake. Scott Ward, 1932 Merman Dr. Hayden Lake, registered engineer specializing in geotechnical engineering, encouraged the Council to maintain the requirements for requiring his type of service for this type of development.

Council President Reid requested that staff revisit the percentage of land to be kept in a natural state, paint color, driveway length, explanation of criminal penalties, and fruit trees on hillside, Mr. Radebanko's suggestions, in particular, slope and degrees in percentage, address lots and buildings, retention of natural site issue, two standards for stormwater, trees removed for wildfire mitigation not be replaced, tree survey is too

onerous, PUD process does need to be added, requirement that require 25 feet of shoreline be left in its natural state, the 500 feet thing from the lake, and not extend the moratorium. Councilman Edinger would like to have more information on the erosion into Fernan Lake. Councilman Goodlander would like staff to look into tying property development with lake management plan. Motion by Wolfinger, seconded by Copstead to direct staff to set a workshop before Feb. 12 and to set a public hearing for March 4th. Motion carried.

RECESS: Mayor Bloem called for a recess at 9:50 p.m. The meeting reconvened at 10:00 p.m.

PUBLIC HEARING – O-7-02 – BUFFER AREA FOR ADULT ENTERTAINMENT ACTIVITIES: Mayor Bloem read the rules of order for this public hearing. Dave Yadon, Planning Director, gave the staff report.

Mr. Yadon reported that the purpose of this amendment is to allow for increased control on the location of adult entertainment activities. Several Cities have established regulations that reflect a more conservative approach than our current regulations of 500 feet from a school, church, park, residential zone or other adult entertainment use. For example, Boise has adopted 1,000 feet and Twin Falls has adopted 2,500 feet. A nationwide survey reflects that 1,000 feet is a frequently used distance. He also noted that studies in other cities have shown that adult entertainment activities have a deleterious effect on surrounding residential areas and businesses, causing increased crime and the downgrading of property values and the quality of life.

PUBLIC COMMENTS: Dave Wagner, 1303 Adeline Ave., encouraged the Council to make it as difficult as possible to have this type of establishment come to Coeur d'Alene.

ORDINANCE NO. 3093

AN ORDINANCE AMENDING SECTION 17.05.680 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO REMOVE ADULT ENTERTAINMENT SALES AND SERVICES FROM PERMITTED USES BY SPECIAL USE PERMIT IN A C-34 DISTRICT AND AMENDING SECTION 17.07.405 TO INCREASE THE DISTANCE FOR ADULT ENTERTAINMENT ACTIVITIES FROM ANY RESIDENTIAL ZONE, SCHOOL, CHURCH OR PUBLIC PLAYGROUND/PARK AND ANY OTHER ADULT ENTERTAINMENT USE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Wolfinger, seconded by Copstead to pass the first reading of Ordinance No. 3093.

ROLL CALL: McEvers, Aye; Reid, Aye; Edinger, Aye; Copstead, Aye; Goodlander,

Aye; Wolfinger, Aye. Motion carried.

Motion by Reid, seconded by Edinger to suspend the rules and to adopt Ordinance No. 3093 by its having had one reading by title only.

ROLL CALL: McEvers, Aye; Reid, Aye; Edinger, Aye; Copstead, Aye; Goodlander, Aye; Wolfinger, Aye. Motion carried.

ARTWORK IN COUNCIL CHAMBERS: Councilman Wolfinger introduced the artwork in the Council Chambers by artist Shelly Wilkerson at Hip Art Inc. on Sherman.

PUBLIC SAFETY STAFF ANNOUNCEMENTS: Council President Reid announced that members of the Police Department attended a 3-day workshop on clandestine lab investigations. Jim Washko of the Fire Department recently passed his paramedic exam. Three Firefighters recently attended the National Fire Academy Course, She expressed her thanks to Chief Cronin and Chief Gabriel for their great leadership.

BROCHURE – HISTORY OF THE CITY POLICE DEPT.: Councilman Goodlander announced that the Police Department has recently published a fact brochure on the history of the Police Dept.

SISTER CITY READING CONTEST: Councilman Goodlander announced that the annual Sister City Reading Contest is currently in progress with Cranbrook.

CITIZEN THANKS COUNCIL: Councilman Copstead reported that a citizen had recently stopped him and expressed her appreciation for the announcements made during Council meetings. She noted that she had learned of recent Recreation Department registration deadlines and was able to enroll her children in the activity because it was announced at the Council meeting.

COMMITTEE APPOINTMENTS: Motion by Edinger, seconded by Copstead to approve the appointment of Kathy Canfield-Davis, Steve McCrea and Rolly Jurgens to the Library Board, Jack Smetana to the Committee of Nine and Tammy Kelly to the Sign Board. Motion carried.

EXECUTIVE SESSION: Motion by Reid, seconded by Copstead to enter into Executive Session as provided by I.C. 67-2345 Subsection A: To consider hiring a public officer, employee, staff member or individual agent; Subsection B: To consider the evaluation, dismissal or disciplining of or to hear complaints or charges brought against a public officer, employee, staff member or individual agent; Subsection C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property not owned by a public agency; and, Subsection F: To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

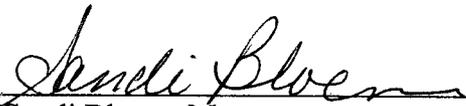
ROLL CALL: Goodlander, Aye; Edinger, Aye; Wolfinger, Aye; Copstead, Aye;

McEvers, Aye; Reid, Aye. Motion carried.

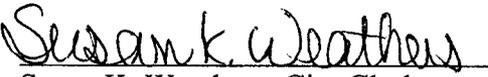
The session began at 10:11 p.m. Members present were the Mayor, City Council, City Administrator, and City Attorney. Matters discussed were those of labor negotiations, property acquisition and legal issues. No action was taken and the Council returned to regular session at 11:55 p.m.

ADJOURNMENT: Motion by Wolfinger, seconded by Copstead to recess this meeting to Monday, February 10, 2003 at 5:00 p.m. at Fire Station No. 3 to conduct another workshop for Hillside Development. Motion carried.

The meeting recessed at 11:56 p.m.


Sandi Bloem, Mayor

ATTEST:


Susan K. Weathers, City Clerk