

**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 18, 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 18, 2003 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

Deanna Goodlander	)	Members of Council Absent
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**CALL TO ORDER:** The meeting was called to order by Mayor Bloem.

**INVOCATION** was led by Tom Whatik.

**PLEDGE OF ALLEGIANCE:** Councilman Wolfinger led the pledge of allegiance.

**PUBLIC COMMENTS:**

**EROSION ON FERNAN HILL:** Rick Seward, Kootenai County Flood Task Force, commended the Street Dept. for helping with flood mitigation on Fernan Hill.

**911 STREET ADDRESSING:** Rick Seward asked when the new street signs were going to be placed on Hill Drive (formerly Galena). He has requested the street signs be corrected so emergency vehicles can locate houses.

**SALES TAX EXEMPT CATEGORY:** David Larsen, representing the Panhandle Coalition, announced that his organization has asked the Governor to lift the exemptions from sales tax for some of the 24 categories which would help balance the State's budget. He requested that Council contact the state legislators to support lifting sales tax exemptions. Motion by Wolfinger, seconded by Copstead to refer this recommendation to the Legislative Committee. Motion carried.

**CONSENT CALENDAR:** Motion by Reid, seconded by Edinger to approve the Consent Calendar as presented including the removal of the beer/wine/liquor license for Torch Lounge item from the calendar.

1. Approval of minutes for January 28, February 4, 10, 12, 2003.
2. The General Services Committee and Public Works Committee meetings are scheduled for February 24, 2003 at 4:00 p.m.
3. RESOLUTION 03-026- 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 ACCEPTANCE OF AN AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY'S RIGHT-OF-WAY; ACCEPTANCE OF AN AGREEMENT WITH NEXTEL FOR A ONE-YEAR CELL PHONE CONTRACT FOR WASTEWATER DEPARTMENT; APPROVAL OF A MAINTENANCE/WARRANTY AGREEMENT WITH BENTWOOD PARK, L.L.C. FOR BENTWOOD 3<sup>RD</sup> ADDITION; APPROVAL OF A FINAL PLAT AND SUBDIVISION IMPROVEMENT AGREEMENT WITH GREENSTONE-KOOTENAI FOR CD'A PLACE 11<sup>TH</sup> ADDITION; AND, ACCEPTANCE OF A LANGUAGE ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING WITH NORTH IDAHO COLLEGE ADOPTED BY RESOLUTION NO. 03-014 DATED DECEMBER 17, 2002 FOR DEVELOPING OUTDOOR RECREATIONAL OPPORTUNITIES.

4. SS-9-02 – Final Plat approval for John Del Properties Subdivision
5. S-1-98M- Final Plat approval for Bentwood 4<sup>th</sup> Addition.
6. Approval of bills as submitted and on file in the City Clerk's office.
7. Setting of public hearing for amending the building plan review fee structure for March 18, 2003.
8. Approval of cemetery lot repurchase from Thomas Wherley.
9. Authorizing staff to advertise for bids for the drilling of a water well at Clayton and Gov't Way.

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

**PUBLIC HEARING – L.I.D. 146 – IMPROVEMENTS TO NORTHWEST BOULEVARD:** Mayor Bloem read the rules of order for this public hearing. Dick Suchocki, Project Manager, gave the staff report.

Mr. Suchocki reviewed the improvements made with this project. The total project cost was \$5.4 million. State and City funding that was in place was approximately \$4.5 million with the L.I.D. costs at \$835,000.00. Improvements included sidewalks, curbs, street improvements, median landscaping and driveway approaches.

**WRITTEN COMMENTS:** Written comments from Jeffrey Child, attorney for Eleanor Smith and Donald and Robert Johnston and from John Stone were distributed for Council review.

**PUBLIC COMMENTS:** Jeff Child, 212 S. 11<sup>th</sup> Street, representing Eleanor Smith and Donald and Robert Johnston, stated that he feels the property that his clients lease really belongs to the City and not the railroad and feels that there has not been adequate research done on this subject. Also, his clients' property had two driveway entrances and after the improvements still had two driveway entrances. Mike Ormsby, Bond Counsel for the City, responded that I.C. 15-1701 tells the City how to complete assessment rolls which requires the City to obtain a list of property owners from the County Assessor's Office, which is what the City did. The property owner is listed as the railroad and it is the railroad that is being assessed these improvements. William Sheldon, 1620 NW Blvd. said that he has never received a notice except for the last assessment roll notice. He feels that city staff are not doing their job in the city since the staff did not send out these notices by certified mail. Mike Ormsby noted that the City does follow Idaho Code in fulfilling the notice requirements. Motion by Reid, seconded by Wolfinger to deny the protests. Motion carried.

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, HEARING, CONSIDERING AND DISPOSING OF PROTESTS REGARDING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENT DISTRICT NO. 146; CONSIDERING THE ENGINEER'S REPORT THEREFOR; MAKING AMENDMENTS AND FINAL DISPOSITION OF PROTESTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Motion by Reid, seconded by Wolfinger to adopt Resolution 03-027.

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

ORDINANCE NO. 3094

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO APPROVING AND CONFIRMING THE ASSESSMENT ROLL FOR ITS LOCAL IMPROVEMENT DISTRICT NO. 146 FOR THE CONSTRUCTION AND INSTALLATION OF CERTAIN IMPROVEMENTS WITHIN THE LIMITS OF LOCAL IMPROVEMENT DISTRICT NO. 146; PROVIDING FOR ASSESSMENTS AND FOR THE ISSUANCE OF BONDS; CREATING CERTAIN FUNDS AND ACCOUNTS AND PROVIDING FOR CERTAIN COVENANTS WITH REGARD THERETO; PROVIDING FOR THE APPEAL PROCEDURE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Motion by Reid, seconded by Wolfinger to pass the first reading of Ordinance No. 3094.

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

Motion by Reid, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3094 by its having had one reading by title only.

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

**SUMMARY OF ORDINANCE NO. 3094:** Motion by Reid, seconded by Wolfinger to approve the Summary of Ordinance No. 3094. ROLL CALL: Reid, Aye; Edinger, Aye; Copstead, Aye; Wolfinger, Aye; McEvers, Aye. Motion carried.

**PUBLIC HEARING – 0-8-02 – MODIFICATION TO THE CENTRAL BUSINESS DISTRICT BOUNDARY:** Mayor Bloem read the rules of order for this public hearing. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos reported that the purpose of this amendment is to modify the existing Central Business District Boundary. He noted that **the proposal is a private party request filed in conjunction with ZC-10-02SP noted below.** The CBD boundary was originally created to define an area within which all on-site parking requirements were waived. Changes to this requirement have established a procedure to pay fees in lieu of parking and a reduced parking requirement for properties within the CBD.

**PUBLIC HEARING – ZC-10-02 – ZONE CHANGE AT 400 NORTHWEST**

**BOULEVARD:** Mayor Bloem read the rules of order for this quasi-judicial public hearing. No conflict of interest was declared by any Council member. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos gave the applicant's name as Brad Jordan, the location as an approximately 29,228 sq. ft. parcel located at the northeast corner of Government Way and Northwest Boulevard and the reason for the request as a zone change from C-17 and C-17L to C-34.

He gave the staff analyses for zoning, comprehensive plan, utilities, traffic and streets. He reported that on January 14, 2003, the Planning Commission approved the proposed zone change to C-34 and an R-70 Residential Density Special Use Permit.

A total of 122 notices for this public hearing were mailed on January 31, 2003 with a total of 6 responses being received; 2 in favor, 2 opposed, 2 neutral. Written comments were distributed for Council review.

Public Comments: Raymond Colts, 2020 Lakewood Blvd. representing the Museum of North Idaho, voiced his concerns of this proposed zone change and requested the Council deny this request until a four-corner's master plan can be developed. Brad Jordan, 1900 Northwest Blvd., spoke as applicant and requested the Council approve his request for a zone change and inclusion into the Central Business District boundaries.

**ORDINANCE NO. 3095**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AS FOLLOWS: AMENDING SECTION 17.44.570 TO MODIFY THE EXISTING CENTRAL BUSINESS DISTRICT BOUNDARY; REPEALING ALL ORDINANCES AND PART OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

Motion by Reid, seconded by Wolfinger to pass the first reading of Ordinance No. 3095.

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

Motion by Reid, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3095 by its having had one reading by title only.

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

Motion by Copstead , seconded by Edinger to approve the zone change as requested and adopt the Findings and Order of the Planning Commission. ROLL CALL: Copstead, Aye; Edinger, Aye; McEvers, Aye; Reid, Aye; Wolfinger, Aye. Motion carried.

**RECESS:** Mayor Bloem called for a recess at 7:15 p.m. The meeting reconvened at 7:22 p.m.

**LAKE CITY SENIOR CENTER FUND RAISER:** Council President Reid announced that the Lake City Sr. Center would be having a fundraiser Saturday, Feb. 22<sup>nd</sup> with a breakfast bonanza. Admission is \$4/adult and \$2/child. She invited all residents to participate in the worthwhile cause. Raffle tickets will also be sold for a furnished Victorian dollhouse.

**FIRE SMART TEST SITE:** Councilman Edinger reported that the Fire Smart test site has been established on Tubbs Hill just off 8<sup>th</sup> street and 1,000 feet off the dirt road of Pine Street. He encouraged anyone who is interested to provide visit the site and give the city staff feedback on the results of this test burn.

**GRANDFATHER'S PRIDE:** Councilman Edinger announced that his grandson, Devin, who is on a 5<sup>th</sup> grade AAU basketball team in the Spokane league, finished 3<sup>rd</sup> out of 23 teams in their league. Of the 23 teams, each team picked a player from their team to perform in a free-throw contest. His grandson was selected and he finished 1<sup>st</sup>.

**ORDINANCES:** Councilman McEvers informed residents that ordinances come from a variety of places including Councilmen and residents. He also reported that he has not seen any "backroom meetings" and staff is sincere and wants to do things right. He also worries that some residents feel that we are trying to take things away from them and he feels that this just isn't so.

**APPOINTMENT – SIGN BOARD:** Motion by Copstead, seconded by Edinger to re-appoint Jeff Connaway to the Sign Board. Motion carried.

**JUSTICE ON THE MEND:** Chief Cronin reported that our K-9 officer, Justice, recently broke her leg and is currently in a cast. She visited the Chief at the Police Station today and she appears to be on the mend.

#### ORDINANCE NO. 3096

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING THE COEUR D'ALENE MUNICIPAL CODE CHAPTER 2.96, AND SECTION 14.01.020 TO AMEND REFERENCES FROM CERTAIN UNIFORM CODES TO THE RELEVANT INTERNATIONAL CODES AND AMENDING THE TITLE OF THE BOARD OF INTERNATIONAL BOARD OF APPEALS; AMENDING

CHAPTER 15.05 TO ADOPT THE INTERNATIONAL FIRE CODE, EXCEPT FOR SECTION 103.2; AMENDING SECTION 15.06.020 RELATING TO CRITERIA FOR SPRINKLER SYSTEMS; REPEALING SECTION 15.08.005 AND ADOPTING ANEW SECTION 15.08.005 ADOPT THE 2000 INTERNATIONAL BUILDING CODE WITH APPENDIX K, EXCEPT FOR SECTIONS 103.2 AND 103.3; THE 2000 INTERNATIONAL RESIDENTIAL CODE, PARTS I-IV AND IX, EXCEPT FOR SECTION 103.2 AND 103.3; PROVIDING AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, SECTION 302.3.3, ADDING SECTION 1907.14, AMENDING SECTION 3105.1 AND ADDING NEW SECTIONS 3105.4 AND 3105.5; PROVIDING AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE SECTION 4105.2; R301.2.3, R309.2, R314.8, R403.1.4 AND 404.1.2; PROVIDING THAT PERMIT FEES SHALL BE SET BY RESOLUTION; REPEALING SECTION 15.08.060; AMENDING SECTION 15.08.075 AND 15.08.140 TO REFERENCE THE CURRENT BUILDING CODE; AMENDING 15.08.140 TO SET FEES BY FEES BY RESOLUTION; AMENDING SECTIONS 15.12.010 TO ADOPT THE 2000 UNIFORM PLUMBING CODE WITH APPENDICES A-E, G-J, AND L AND TO SET THE FEES BY RESOLUTION, AMENDING SECTION 15.14.010 TO ADOPT THE 2000 INTERNATIONAL MECHANICAL CODE AND THE 2000 INTERNATIONAL FUEL GAS CODE; AMENDING SECTIONS 15.20.090, 15.20.120, 15.20.130, 15.20.210, 15.20.240, 15.22.010, 15.22.020, 15.22.030, 16.24.050, 17.03.010, 17.05.060, 17.05.720, 17.06.810, 17.06.815, 17.06.940, 17.09.525, 17.44.105, 17.44.340 TO REFERENCE THE CURRENTLY ADOPTED CODES AND RELEVANT SECTIONS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Copstead, seconded by Reid to pass the first reading of Ordinance No. 3096.

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

Motion by Wolfinger, seconded by Edinger to suspend the rules and to adopt Ordinance No. 3096 by its having had one reading by title only.

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

**SUMMARY – ORDINANCE NO. 3096:** Motion by Reid , seconded by Wolfinger to approve the Summary of Ordinance No. 3096 for publication purposes. ROLL CALL: Wolfinger, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye; Copstead, Aye. Motion carried.

#### ORDINANCE NO. 3097

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AS FOLLOWS: AMENDING THE TITLE OF CHAPTER 13.08 TO ADD "USER CHARGES, SEWER HOOK-UP FEES, SEWER STUB FEES; AMENDING SECTION 13.08.010 TO EQUITABLY ESTABLISH USER FEES BASED ON A COST-OF-SERVICE RATE STUDY DATED NOVEMBER 2002 BY INTEGRATED UTILITIES GROUP, INC., IN ASSOCIATION WITH HDR

ENGINEERING, WHICH STUDY IS ON FILE IN THE CITY CLERK'S OFFICE; AMENDING SECTION 13.08.020 TO AMEND USER FEES BY PROVIDING ADDITIONAL RATE CALCULATIONS; AMENDING SECTION 13.08.030 TO PROVIDE A NEW EFFECTIVE DATE; AMENDING SECTION 13.08.050 TO AMEND THE DELINQUENCY CHARGES ON OVER-DUE ACCOUNTS; AMENDING SECTION 13.08.080 TO REPLACE UTILITY SERVICES DEPARTMENT WITH WASTEWATER DEPARTMENT; AMENDING SECTION 13.08.090 TO REMOVE 'DISPOSAL' FROM THE TITLE; ADDING SECTION 13.12.037 TO PROVIDE "RESPONSIBILITY FOR INDIVIDUAL SEWER LATERALS"; ADDING SECTION 13.12.038 TO PROVIDE "RESPONSIBILITY FOR PRIVATE SEWERS"; AMENDING THE TITLE OF CHAPTER 13.16 TO REPLACE "SEWER CONNECTION CHARGES" WITH "SEWER CAPITALIZATION FEES"; AMENDING SECTION 13.16.010 TO REPLACE THE SEWER CONNECTION CHARGE SCHEDULE WITH THE SEWER CAPITALIZATION FEES SCHEDULE; AMENDING THE POPULATION EQUIVALENTS, CAP FEES, THE NAME AND PREPARER OF THE COST-OF-SERVICE RATE STUDY, CALCULATIONS METHODS, AND REPLACING UTILITY SERVICE DIRECTOR WITH WASTEWATER SUPERINTENDENT; AMENDING SECTION 13.16.015 TO REPLACE "SEWER SERVICE FEE" WITH "MONTHLY USER CHARGE" AND TO REPLACE "CONNECTION CHARGE" WITH "CAPITALIZATION FEE"; AMENDING SECTION 13.16.025 AND 13.16.027 TO REPLACE "CONNECTION CHARGE/FEE" WITH CAPITALIZATION FEE"; AMENDING SECTION 13.16.030 AMENDING THE POPULATION EQUIVALENTS CHARGE EQUATION AND AMENDING THE NAME AND PREPARER OF THE COST-OF-SERVICE STUDY; AND AMENDING SECTION 13.16.040 & 050 TO REPLACE "CONNECTION CHARGE WITH "CAPITALIZATION FEE"; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by McEvers to pass the first reading of Ordinance No. 3097.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3097 by its having had one reading by title only.

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

**SUMMARY OF ORDINANCE NO. 3097:** Motion by Reid, seconded by Wolfinger to approve the Summary of Ordinance No. 3097 for publication purposes. ROLL CALL: Wolfinger, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye; Copstead, Aye. Motion carried.

**ORDINANCE NO. 3098**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AS FOLLOWS: AMENDING TITLE 2 BY ADOPTING A NEW CHAPTER TO BE DESIGNATED 2.98 ENTITLED "DESIGN REVIEW COMMISSION"; AMENDING SECTION 17.02.045 TO ADD "DESIGN**

REVIEW ADMINISTRATIVE" TO 'DEFINITION VI'; REPEALING SECTION 17.08.405 AND ADOPTING A NEW SECTION 17.08.405 ENTITLED "DOWNTOWN DESIGN REGULATIONS"; ADOPTING A NEW SECTION TO BE DESIGNATED 17.09.305 ENTITLED "DESIGN REVIEW PROCEDURE", AND AMENDING THE ROMAN NUMERALS OF THE SECTION HEADINGS OF 17.09.405, 505, 605, 705, 805, 905, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Copstead, seconded by Reid to pass the first reading of Ordinance No. 3098.

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

Motion by Edinger, seconded by Copstead to suspend the rules and to adopt Ordinance No. 3098 by its having had one reading by title only.

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

**SUMMARY OF ORDINANCE NO. 3098:** Motion by Wolfinger, seconded by Reid to approve the Summary of Ordinance No. 3098 for publication purposes. ROLL CALL: McEvers, Aye; Reid, Aye; Edinger, Aye; Copstead, Aye; Wolfinger, Aye. Motion carried.

Mayor Bloem expressed her appreciation to the ad hoc committee comprised of Planning Commission members, Downtown business owners and residents who spent a considerable amount of their time in developing these regulations. In particular she thanked Susan Snedaker for all her time and energy with this project.

**EXECUTIVE SESSION:** Motion by Reid, seconded by Copstead to enter into Executive Session as provided by Idaho Code 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: Reid, Aye; Goodlander, Aye; Edinger, Aye; Wolfinger, Aye; Copstead, Aye; McEvers, Aye. Motion carried.


The session began at 7:54 p.m. Members present were the Mayor, City Council, City Administrator and City Attorney.

Matters discussed were those of property acquisition, personnel matters, and labor negotiations and pending litigation. No action was taken and the Council returned to regular session at 9:45 p.m.

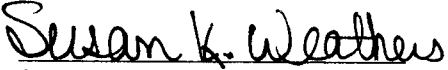


**ADJOURNMENT:** Motion by Edinger, seconded by Wolfinger that, there being no further business, this meeting is adjourned. Motion carried.

The meeting adjourned at 9:46 p.m.

  
Sandi Bloem, Mayor

ATTEST:

  
Susan K. Weathers, City Clerk

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