

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL  
MAY 1, 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 May 1, 2007 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Mike Kennedy	)	Members of Council Present
Woody McEvers	)	
A. J. Al Hassell, III	)	
Dixie Reid	)	
Loren Ron Edinger	)	
Deanna Goodlander	)	

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

**INVOCATION** was led by Pastor Tom Weadick, Vineyard Christian Fellowship.

**PLEDGE OF ALLEGIANCE:** The pledge of allegiance was led by Councilman Reid.

**PROCLAMATION – “GOODWILL COMMUNITY APPRECIATION DAY”:** On behalf of Mayor Bloem, Councilman Kennedy read the proclamation proclaiming May as Goodwill Community Appreciation Day. Becky Jones, Coeur d'Alene Goodwill Facility Manager accepted the proclamation.

**PROCLAMATION – “BIKE MONTH:** On behalf of Mayor Bloem, Councilman Goodlander read the proclamation declaring May as the Bike Month for the City. Mac Cavasar, Chairman of the Bicycle/Pedestrian Committee accepted the proclamation. Mr. Cavasar noted that May 18<sup>th</sup> is also “Bike to Work” day in the City and encouraged all residents to ride their bikes that day. City Attorney Mike Gridley presented a video on bike safety.

**PUBLIC COMMENTS:**

PERSON'S FIELD: Susan Snedaker, 821 Hastings, Coeur d'Alene, noted that the City has a Memorandum of Understanding with School District 271 to sell their portion of Person's Field to the School District for a new middle school. Since this agreement is no longer necessary, she would like to have the City purchase the School District's portion of Person's Field to maintain as a play field. She also wanted to know where the City stands on this issue in light of the need for affordable housing. Mayor Bloem responded that she understood that the School's portion is not for sale.

STAFF COMMENDED: Mac Cavasar, 621 Dollar Street, who was involved in the

Spring Dash last week expressed his thanks to Lee Brainard and the Police Department, Tim Martin and the Streets Department as well as the Fire Department for the excellent service they provided for this event.

**TOM JOHNSON REMEMBERED:** Troy Tymesen, City Finance Director, recalled an incident with Tom Johnson, where they were visiting with representatives from US Bank for the possible relocation of their banking call center. Tom was responsible for finding transportation to escort the representatives for a tour of the proposed site. Since a new snowfall has just fallen, as he was driving (and talking) he hit a rut and they ended up unable to move. Tom did not miss a beat and kept talking about the beautiful land and river view until Troy had to tell Tom that they were stuck in the rut and he had bankers on top of him and to get them out of the SUV. In the end, the banking representatives, Tom and Troy ended up having to walk out of the area. Today we have that call center. Mr. Tymesen then shared a poem about asking if you are person who was a builder of a community or a person who tore down buildings. We will all miss Tom Johnson.

**CONSENT CALENDAR:** Motion by Reid, seconded by Edinger to approve the Consent Calendar as presented. Councilman Hassell noted that his son works for JUB.

1. Approval of minutes for April 12, 27, 2007.
2. Setting the Public Works Committee and General Services Committee meetings for May 7, 2007 at 4:00 p.m.
3. RESOLUTION 07-033: 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 BID AWARD AND APPROVAL OF A CONTRACT WITH PLANNED AND ENGINEERED CONSTRUCTION (PEC) FOR THE CURED IN PLACE PIPE PROJECT FOR WASTEWATER LINES; APPROVAL OF AN AMENDMENT TO NORTH AMERICA SPORTS, INC. AGREEMENT CHANGING THE BIKE ROUTE FOR THE 2007 COEUR D' ALENE IRONMAN RACE; APPROVAL FOR DECLARATION OF CITY SURPLUS PROPERTY; APPROVAL OF AN AUCTIONEER SERVICES AGREEMENT WITH MR. AUCTION FOR THE CITY'S ANNUAL SURPLUS AUCTION AND APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT FOR CRIMINAL PROSECUTION SERVICES.
4. Approval of the purchase of a replacement asphalt emulsion tack-wagon for Street Dept.
5. Approval of outdoor eating facility sidewalk encroachment permit at Tito's Macaroni
6. Approval of cemetery lot repurchase from Roy E. Higgs, Jr.
7. Approval of cemetery lot transfer from Edward and Thelma Nettleton to Joyce Bacile.
8. Approval of beer license for Caruso's Sandwich Co.
9. Approval of beer/wine license transfers: The Wine Cellar, The Olympia, and Best Food Stop.
10. Authorizing Kelly Smith, Legal Department Intern, to represent the city in Court.

11. Setting of public hearings: ZC-6-07 – Zone Change at 1502 N. 3<sup>rd</sup> for June 5, 2007.
12. Approval of street closure permit with the Downtown Association for the Farmers marking.
13. S-2-07: Final Plat Approval for the Village at Riverstone.

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

**COUNCIL ANNOUNCEMENTS:**

Councilman Kennedy: City Firefighter Jeff will be doing the Ironman and has sent out a challenge for raising funds for the Dirne Clinic. Councilman Goodlander explained that Jeff is participating in the Ironman Janus Challenge whereby the Janus Company matches any funds raised by participating athletes.

**APPOINTMENTS:** Motion by Kennedy, seconded by Hassell to re-appoint Jim Elder to the Lake City Development Corporation, Elisabeth Garland and Mike Patano to the Arts Commission and Dave Walker to CDATV Committee. Motion carried

ORDINANCE NO. 3293  
COUNCIL BILL NO. 07-1017

AN ORDINANCE OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING A NEW CHAPTER 10.34 CARELESS DRIVING; ADOPTING A NEW SECTION 10.34.010 TO PROHIBIT DRIVING IN A CARELESS MANNER; ADOPTING A NEW SECTION 10.34.020 TO PROVIDE THAT ANY VIOLATION OF CHAPTER 10.34 SHALL BE PUNISHABLE AS A MISDEMEANOR AS PROVIDED IN SECTION 1.28.010; 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.

Councilman Goodlander reported that the City has had some issues with careless driving. Deputy City Attorney Wes Somerton explained that the proposed ordinance fills in the gaps that the Idaho Code does not provide to allow our officers make our streets safer.

Motion by Goodlander, seconded by Hassell to pass the first reading of Council Bill No. 07-1017.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 07-1017 by its having had one reading by title only.

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

ORDINANCE NO. 3294  
COUNCIL BILL NO. 07-1019

AN ORDINANCE OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING A NEW CHAPTER 9.22 ENTITLED FIGHTING; ADOPTING A NEW SECTION 9.22.010 TO PROHIBIT FIGHTING IN PUBLIC; ADOPTING A NEW SECTION 9.22.020 DEFINING FIGHT; ADOPTING A NEW SECTION 9.22.030 TO PROVIDE THAT ANY VIOLATION OF CHAPTER 9.22 SHALL BE PUNISHABLE AS A MISDEMEANOR AS PROVIDED IN SECTION 1.28.010; 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.

Councilman Goodlander noted that the City does not have good rules regarding fighting in public. Deputy City Attorney, Wes Somerton, explained that with a battery charge the City needs a person to press charges: however, usually the fighting parties are not willing to charge the other person with battery. This proposed ordinance allows law enforcement to arrest and charge an individual with battery.

Motion by Goodlander, seconded by Hassell to pass the first reading of Council Bill No. 07-1019.

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

Motion by Hassell, seconded by McEvers to suspend the rules and to adopt Council Bill No. 07-1019 by its having had one reading by title only.

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

RESOLUTION NO. 07-034

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A VEHICLE USER RELATIONS LOAN AGREEMENT AND A MAINTENANCE CONTRACT FOR A KAWASAKI MULE™ UTILITY VEHICLE WITH SPECIALTY RECREATION & MARINE, ITS PRINCIPAL PLACE OF BUSINESS AT 910 W. KATHLEEN AVENUE, COEUR D' ALENE, IDAHO 83815.

Goodlander reported that the Police Department has an opportunity to rent a Kawasaki mule. Captain Childers noted that this mirrors the program Post Falls currently has and would provide access for Police volunteers to patrol the area trail systems. Specialty Recreation Marine provided the Police Department with the information from Kawasaki

for the low cost lease of a Kawasaki Mule Utility Vehicle.

Motion by Goodlander, seconded by Edinger to adopt Resolution 07-034.

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

PUBLIC COMMENTS: Rebekah Garvin, 802 Front Street, commented that the public pay the Police to make it safe here and wanted to know if the Police only get paid when they arrest someone. Mayor Bloem responded that the Police Department gets paid an hourly wage, and the purpose of this regulation is to allow police to break up a fight and make any necessary arrests.

#### RESOLUTION NO. 07-035

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING CHANGE ORDER #8 TO THE AGREEMENT WITH CONTRACTORS NORTHWEST, INC., FOR THE PHASE 4B UPGRADE AND EXPANSION PROJECT.

Motion by Reid, seconded by Kennedy to adopt Resolution 07-035.

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

#### ORDINANCE NO. 3295 COUNCIL BILL NO. 07-1016

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, 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; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; CHANGING THE ZONING MAPS OF THE CITY OF COEUR D'ALENE; AMENDING SECTION 1.16.030, COEUR D'ALENE MUNICIPAL CODE, BY DECLARING SUCH PROPERTY TO BE A PART OF PRECINCT #35; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by McEvers to pass the first reading of Council Bill No. 07-1016.

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

Motion by McEvers, seconded by Edinger to suspend the rules and to adopt Council Bill No. 07-1016 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.

**PUBLIC HEARING – O-1-07 – MODIFICATION TO THE EAST MULLAN INFILL REGULATIONS AND REMOVAL OF HEIGHT VARIANCE:** Mayor Bloem read the rules of order for this public hearing. Dave Yadon, City Planner, gave the staff report.

Mr. Yadon presented the following proposed amendments to the zoning ordinance:

- \*Reduce the allowable building height from 38 feet to 35 feet
- \*Add a design guideline requiring pitched roofs for development; and,
- \*Remove the exceptions to height maximums by variance

He reported that the amendment reducing the overall height allowed to 35 feet is intended to insure that the scale of buildings in the DO-E is more sensitive to the scale of the surrounding neighborhood while still providing adequate volume to encourage infill development.

The Design Guidelines requiring a minimum 4:12 and Maximum 12:12 roof pitch is intended to ensure that rooflines reflect the neighborhood character and reduce the perceived bulk of structures. He noted that this is the same guideline that was recently adopted as part of the Pocket Residential regulations.

The amendment removing the specific height variance findings is intended to provide for a more restrictive set of standards by only allowing such variances for a site specific hardship. This is consistent with the criteria for granting other variances from the zoning regulations.

**COUNCIL COMMENTS:** Councilman Goodlander commented that before the original infill regulations were originally adopted by the Council, the Council had meetings with Consultant Mark Hinshaw and she wanted to know what his recommended height limit was. Dave Yadon responded that the original recommendation was 35'. Councilman McEvers asked if the proposed amendments apply to buildings on Sherman Avenue. Dave Yadon responded that it does include Sherman Avenue. He noted that there was some discussion of a split height for commercial properties along Sherman Avenue and this could be done if the Council chose to do so. Councilman McEvers asked what difference three feet from 35' to 38' would do. Dave Yadon responded that architecturally you could do a lot with that additional three feet.

**WRITTEN COMMENTS:** Letters from Joe and Lynn Morris, 304 S. 11<sup>th</sup> Street, stating their support of the proposed amendments were distributed for Council review.

PUBLIC COMMENTS: Barbara Crumpacker, 1015 Lakeside, believes that the question here is how to balance growth and quality of life. She would like to have the Planning Commission and Council take a holistic approach to development, including effects of sunlight, minimal demolition, scale and bulk of buildings. She believes that homeowners across the street from the Ice Plant condominiums have 45 minutes less sunlight each day.

Dwight Bershaw, 901 Front Avenue, testified in favor of the change in height. He also supports the elimination of the variance and would like to maintain height limits to 35 feet. He noted that the Ice Plant is at 31 feet. He also does not like the “blockiness” of how buildings are being constructed. He doesn’t like that setbacks could be set closer to property lines for certain projects. He believes that the character of the neighborhood could be destroyed with the present regulations allowing variances for increased heights above 35 feet.

Roger Snyder, 319 Park Drive, explained that a house in his neighborhood in the Fort Grounds district has been “bermed up” as well as appears to be at least 35’ tall. He requested that the amendments include the banning of berming in these residential neighborhoods.

Gordon Hannigan-Luther, 823 Bancroft, moved to his home 8 years ago due to the neighborhood. He commented that he does not want his neighborhood to be a transition zone. He noted that he was not notified of the original proposed changes that were made several years ago. He has been disturbed and concerned with some of the changes made as not only are there multi-story buildings up in his neighborhood but that these structures are not affordable housing structures. He is also disturbed by the pressure some of his neighbors have been getting to sell their homes so high rise buildings can be constructed. He is in favor of tonight’s proposed changes.

Jason Stormogipson, 310 S. 13<sup>th</sup> Street, read a letter from Joe Morris which he endorses. Mr. Morris urged the Council to adopt the proposed amendments to the overlay regulations. He noted that the East Mullan Infill area is a residential zone whereby the other infill regulation areas are more commercial.

Charles Dodson, 1424 E. Sherman Avenue, spoke in opposition to the proposed changes. He noted that there are three houses on Sherman Avenue that would be out of compliance with the proposed regulations and if they burned down, they could not be reconstructed to their current height. He does not believe that the proposed regulations are appropriate for Sherman Avenue. He believes that the regulations would be appropriate for the residential neighborhoods adjacent to Sherman Avenue but not for any property between 11<sup>th</sup> and 7<sup>th</sup> Streets along Sherman Avenue. He distributed a petition from March 3, 2007 with 35 signatures from property owners and other residents of the City requesting that the proposed amendments not apply to the regulations along Sherman Avenue.

#### COUNCIL COMMENTS:

Councilman Kennedy commented that he thought that there was a clause that would

allow reconstruction of buildings that were burned. Dave Yadon responded that there are certain conditions that would provide for reconstruction to the existing height.

Mayor Bloem commented that some the homes along Sherman have been converted to Commercial use and are now zoned commercial so can they build to any height. Dave Yadon responded that there is a cap on any zoning within the infill district to 35 feet.

Councilman Edinger questioned Mr. Dodson that the majority of the people who signed the petition that he presented do not live in the infill area and wanted to know if the people who signed the petition are employees of people who work for owners who have property within the infill area. Mr. Dodson responded that it could be possible; however, they are citizens that care about their city.

Councilman Hassell asked if staff is looking at the variance ordinance as a whole. Councilman Kennedy asked Dave Yadon about his thoughts on the infill boundaries. Dave Yadon commented that the Council has the option to send it back to the Planning Commission, or the Council may, if there is a logical connection, change the proposed amendments to the regulations this evening. Mayor Bloem explained that the Council could accept the proposed amendments to the regulations excluding the C-17 zoned area within the infill regulations which would allow Sherman Avenue to remain 38'. Councilman Reid recalled that there was a proposed variance at 11<sup>th</sup> and Sherman that would have dramatically changed the character of this neighborhood and voiced her concern of allowing Sherman Avenue to build to a different height. She would like to see some design standards for Sherman Avenue so a "big box" building could not be constructed along this area of Sherman Avenue. Councilman Hassell noted the adverse effect of homes that are behind the buildings on Sherman Avenue and feels they need to protect these residences until appropriate regulations can be developed.

#### PUBLIC COMMENTS CONTINUED:

Mary Jo Brooks, 901 Bancroft, read a letter from Lynn Morris, supporting the proposed amendments to the infill regulations.

Rebekah Garvin, 802 Front Street, supports the amendments to the infill regulations and does support the changes to Sherman Avenue; however, she does not want to include the block where Shady Pines is located in the increased height limits as she lives on the other side of the alley to Shady Pines

Julie VanMiddlesworth, 917 E. Young Avenue, believes that the City has gone to great lengths to provide good aesthetics in the downtown area which she appreciates and would like to see the historic aesthetics of the East Mullan Historic District maintained. She believes that the change in heights would destroy the aesthetic value of her neighborhood.

John Montandon, 1010 Sherman Avenue, agrees that the residents have a good idea of what their neighborhood should be, but believes that with Sherman Avenue being commercial the proposed amendments would de-value his commercial property. Also



from an economic standpoint, he believes that if commercial values go up so do their taxes which in turn would ease the tax burden on residential homes. He urged the Council to table the proposed amendments, determine what is best for Sherman Avenue and the Shady Pine area and then amend the current regulations after further review. He believes that proper design could provide for taller building heights without creating "boxy" buildings. Councilman McEvers commented that if the overlay amendments were passed it would limit heights on Sherman Avenue to 35' and that would mean that Mr. Montandon would lose 3 feet. Mr. Montandon agreed but noted that the loss of 3 feet would impact the value of his property by 30%.

Marsha Bowlin, 607 W. Lakeshore Drive, owner of the White House, has a hard time with 38 feet let alone 35 feet. She does not understand why she is being penalized in that the property to the west of her on Sherman Avenue can construct up 75' and then property east of 11<sup>th</sup> Street and Sherman can go up no higher than 35 feet. She also would like to be notified in writing of any proposed amendments to the zoning regulations.

Rita Sims-Snyder, 818 Front Avenue, recalled that originally the East Mullan Homeowners Historic Association submitted a petition of over 150 signatures of homeowners in the area. She believes that this is her neighborhood and the existing infill regulations are detrimental to this area. She requested that the Council pass a moratorium on these regulations to allow time for the neighborhood to work through the proposed amendments. She also requested that her neighborhood be included in the design and development of their neighborhood.

Donnie Murrell, 211 N. Bruce Dr., commented that he believes the current regulations are working well. He noted that if you reduce the height you reduce the density of the building. He noted that he represents the Bowlin family in the sale of their property. He also believes that if you reduce the height of Sherman Avenue you reduce the value of that property. In regard to single family residents butting up against buildings of height, this is something you will get wherever you go. As for the point of economic impact, when you reduce the height you reduce the value of the property and thus you are taking away property rights of the owners of this parcel. He asked the council to deny the recommended amendments. Councilman Kennedy asked what if the reverse were true for his client whereby their residence now abuts a tall building. Mr. Murrell responded that the Council needs to look at the overall good for the entire city and yes, someone will not be happy.

Steve Shortridge, 3304 Sky Harbor Drive, Coeur d'Alene, commented that he does not believe that anyone likes the infill regulations that have been developed. He purchased the Shady Pines property and was surprised that the only avenue he had to develop his property was a zone change. He believes that there is a financial impact to his property. He noted that some buildings in the historic district are just old and are not pretty and should be torn down. He believes that we need to have beauty in our city and so there is a need for regulations that allow for both growth and beauty in the downtown area, otherwise downtown will not be a place where people will not want to go.

Harry Robertson, 3696 Sky Harbor Drive, owner of Shady Pines property, asked the Council that if according to Mr. Hinshaw, the downtown area needs 2,000 residential units to be viable, what is the purpose of the transition infill area if you cannot allow more than two-story buildings 18 feet away from a 75' building. He urged the Council to reconsider this "mess". He commented that if the Council passes the proposed regulations they are legislating "ugly".

Jannelle Stimson, 1312 E. Lakeside Avenue, is neutral to the issue tonight, but believes that the Council should not pass the amendments tonight. She recalled that several years ago, there was a citizen vote that restricted the downtown height to 4 stories then in the cover of night after Mayor Fromm left office, the City Council overturned this restriction and the height could go as high as the developer wanted as long as someone lived on the top floor.

Sherry Bullard, 1024 E. Indiana Avenue, does not believe that a moratorium is a good idea but maybe table the item until workshops could be held. She also noted that she would not like to see the grand old homes along Sherman Avenue destroyed and replaced with "block" buildings. She encouraged the Council to look at other alternatives for the infill district.

#### COUNCIL DISCUSSION:

Motion by McEvers to pass the three amendments to the infill regulations as proposed but remove Sherman Avenue from 7<sup>th</sup> to 11<sup>th</sup> to the mid-block at the alleyway from the overlay district and return Sherman Avenue to the former 43' height limit and then direct staff to negotiate with the developer of Shady Pines regarding the Design Regulations. He believes that everyone is here for the same reason, but we are changing. He believes that this would start the process that would protect the neighborhood (Motion died due to a lack of a second.)

Dave Yadon noted that the Council's action tonight, is to reduce the height from 38 to 35, but if the Council wants to split the district and keep Sherman at 38 they could do that; however, they cannot change the existing regulations of Sherman Avenue to 43 feet. They could continue this public hearing, or table the motion. City Attorney Mike Gridley noted that a moratorium could not be done tonight unless there is an emergency or until the Council could come back with a public hearing for a moratorium. He believes that one of the biggest concerns is the height limit which the Council could adopt tonight and split out Sherman Avenue.

Councilman Kennedy was impressed by the community input tonight and believes that this was a good discussion and debate. He believes that the design standard is a huge issue that needs to be addressed. He believes that neighborhood protection is the issue tonight and Council could always go back and address Sherman Avenue at a later time.

MAIN MOTION: Motion by Kennedy, seconded by Edinger to approve the recommended amendments to the zoning regulations for the East Mullan Infill

Regulations and to direct staff to prepare an ordinance reflecting these amendments.

**MOTION TO AMEND MAIN MOTION:** Motion by Goodlander, seconded by Reid to amend the motion to split out Sherman Avenue regarding the 38' height limit but to include Sherman Avenue with the amendments to the variance procedure and the pitch of the roof and to include a recommendation to bring back the Sherman Avenue corridor issues by October 1<sup>st</sup> and to further review the issues through workshops in order to address the preservation of the historical quality of Sherman Avenue and the design standards. **ROLL CALL:** ROLL CALL: Edinger, No; Goodlander, Aye; Hassell, No; Kennedy, No; McEvers, No; Reid, Aye. Motion to amend failed.

**VOTE ON MAIN MOTION:** ROLL CALL: Edinger, Aye; Goodlander, No; Hassell, Aye; Kennedy, Aye; McEvers, No; Reid, Aye. Main motion carried.

**DISCUSSION:** Councilman Hassell asked that by keeping Sherman Avenue out of the amendments, would the construction of a building be allowed to be constructed to the property line. Dave Yadon noted that setbacks are regulated by the Building Code.

**MOTION:** Motion by Kennedy, seconded by Edinger to direct staff to set up a series of workshops on the East Mullan Infill Overlay regulations to bring all interested parties to the table to address their concerns. Motion carried.

**MOTION:** Motion by Goodlander seconded by Reid to include the entire length of Sherman Avenue included in the review. **ROLL CALL:** Edinger, Aye; , Goodlander, Aye; Hassell, Aye; Kennedy, Aye; McEvers, No; Reid, Aye. Motion carried.

**PUBLIC HEARING – O-2-07 – MEDIATION OPTION FOR ZONING AND SUBDIVISION REGULATIONS PROCESS:** Mayor Bloem read the rules of order for this public hearing. Dave Yadon, Planning Director, gave the staff report.

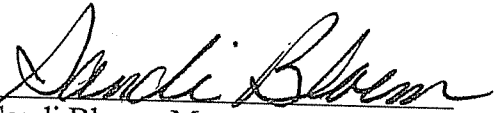
Mr. Yadon reported that I.C. 67-6510 provides for mediation of land use issues and establishes guidelines for how the mediation occurs. For some time staff has considered adding a mediation provision to our land use ordinances to provide guidance to the public on mediation of land use issues. He noted that by adopting an ordinance governing mediation it will help answer the question of how mediation will occur if it is requested. Additionally, this will provide another avenue for citizens to become aware of the possibility of mediation.

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

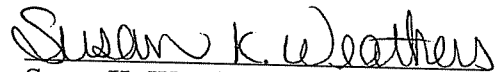
Motion by Hassell, seconded by Kennedy to approve the recommended mediation option for the Zoning and Subdivision regulations and direct staff to prepare the appropriate ordinance. **ROLL CALL:** Goodlander, Aye; Hassell, Aye; Kennedy, Aye; McEvers, aye; Reid, No; Edinger, Aye. Motion carried.

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

The meeting recessed at 9:20 p.m.

  
Sandi Bloem, Mayor

ATTEST:

  
Susan K. Weathers, CMC, City Clerk