

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL,
JULY 15, 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, July 15, 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)	
Chris Copstead)	
Deanna Goodlander)	
Ben Wolfinger)	

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

INVOCATION was led by Pastor Joe Donaldson from the Bethel Baptist Church.

PLEDGE OF ALLEGIANCE: Councilman McEvers led the pledge of allegiance.

PUBLIC HEARING – A-5-03 – ANNEXATION AND ZONING OF 11-ACRE PARCEL AT THE SW CORNER OF ATLAS AND APPALOOSA: Motion by Reid seconded by to move this item forward on the agenda. Motion carried. Mayor Bloem announced the rules of order for this public hearing. John Stamsos, Associate Planner, reported that the applicant has requested that this public hearing be continued to August 19, 2003.

PUBLIC COMMENTS: Mayor Bloem asked if anyone would like to give their public testimony at this time or wait until August 19th. Karen White asked if the public hearing for tonight will be the same public hearing heard on August 19th. John Stamsos noted that it would be the same public hearing for zoning and annexation. No further public comments were received.

Motion by Reid, seconded by Edinger to continue this public hearing to August 19, 2003. Motion carried.

PRESENTATION – RECREATION DEPARTMENT ANNUAL REPORT: Steve Anthony, Recreation Director, reported on the activities of the Department for the past year. He introduced his staff and gave his mission statement for his department. He noted that this past year there were 16,362 participants in the City's recreation program

which is almost doubled from 10 years ago. He reviewed the activities conducted by the Recreation Department during the past year including hosting the annual July 3rd Kiddies parade, the Special Needs program, Men's Women's and Youth Softball, Soccer, Men's and AAA Basketball, swimming lessons, youth arts and crafts program, youth karate and youth wrestling. The Recreation Department is also responsible for the Lifeguards at City Beach, Special Events and tournaments, The Jewett House and the Skateboard Park. He noted that the Recreation Departments partners with several agencies including School District 271, North Idaho College, Cd' A Public Golf Course, Kootenai Medical Center and the City of Post Falls.

PUBLIC COMMENTS:

SKATEBOARD PARK: Evan Frantz, 2717 Evergreen Lane, asked that the ban on BMX bikes from use of the Skateboard Park be lifted. Kevin Moen, 1806 Nettleton Gulch Road, commented that BMX racing is a large sport and some of his friends have received tickets for using the Skateboard Park. He noted that he did damage the deck but he and his friends repaired it. Motion by Copstead, seconded by Wolfinger to refer this item to the Parks and Recreation Commission on August 11th. Motion carried.

CONSENT CALENDAR: Motion by Reid, seconded by McEvers to approve the Consent Calendar as presented.

1. Approval of minutes for July 1, 7, 2003.
2. The General Services Committee and Public Works Committee meetings are scheduled for July 21, 2003 at 4:00 p.m.
3. RESOLUTION 03-070: 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 AN AGREEMENT WITH KOOTENAI COUNTY, FOR ELECTION SERVICES; ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE/WARRANTY AGREEMENT, FOR LAKE FOREST 8TH ADDITION AND RATIFYING A CONTRACT WITH PECK & PECK FOR DEMOLITION OF A GARAGE AT 918 E. BANCROFT.
4. RESOLUTION 03-071: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A STATE AND LOCAL AGREEMENT WITH THE IDAHO TRANSPORTATION DEPARTMENT FOR PARTICIPATION IN THE COSTS OF CONSTRUCTING GOVERNMENT WAY, I-90 TO DALTON AVENUE DESIGNATED AS PROJECT NO. STP-7155 (100).
5. RESOLUTION 03-072: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AGREEMENTS FOR POSSESSIOIN, WITH MAXINE M. SEALE OF 3710 S. BOOTH PARK ROAD; PATRICK M. SEALE OF 3710 S. BOOTH PARK ROAD, HOMER LLC OF 3710 S. BOOTH PARK ROAD, COEUR D'ALENE, IDAHO; AND DRESCHSEL AND PHILLIPS COREY OF 12435 STRAHORN ROAD, HAYDEN, IDAHO.
6. Acceptance of Rights-of-Way for Government Way Project.
7. Approval for demolition of old Park and Rec. Building at 221 S. 5th Street.

8. Setting of Public Hearings: ZC-4-03 (1409 Gov't Way) for August 19, 2003 and V-03-5 (portion of alley at N. Idaho College) for August 19, 2003.
9. Approval of bills as submitted and on file in the City Clerk's Office.
10. Approval of beer/wine license for the Zoo at 210 Sherman Ave.

ROLL CALL: Wolfinger, Aye; Copstead, Aye; McEvers, Aye; Reid, Aye; Goodlander, Aye; Edinger, Aye except for Item 7 noted above. Motion carried.

PUBLIC HEARING –V-03-2 – VACATION OF PORTION OF EXCESS RAILROAD RIGHT-OF-WAY BETWEEN 2ND AND 3RD ADJACENT TO LINDEN AVENUE: Mayor Bloem read the rules of order for this public hearing. Chris Bates, Project Manager, gave the staff report.

Mr. Bates reported that Vern Cartwright is requesting vacation of excess railroad right-of-way between 2nd and 3rd Streets adjacent to Linden Avenue. This is an undeveloped strip of right-of-way that is adjacent to a privately owned parcel to the north that, at one time, was used as a connection between 2nd and 3rd Streets. The previous owner (Runge Furniture) had placed barricades to stop traffic from crossing the property and this practice has stopped. There are no City utilities on the subject right-of-way property and in its undeveloped state it has no functional purpose. The right-of-way has no outlet and is not large enough to be functional as a street or alley.

He noted that by vacating the right-of-way, it would allow the applicant to construct a small duplex development on this site and utilize his additional portion in the development if he so chooses. If the vacated strip were evenly distributed between the adjoining property owners, the square footage of both adjoining lots (Lot 1 and Lot 12) would increase in size thus benefiting both parties.

Mr. Bates noted that 41 notices were mailed with six response being received, three in favor and 3 neutral. He distributed copies of written comments for Council review.

PUBLIC COMMENTS: Vern Cartwright, 1424 N. 2nd Street, applicant for the vacation of right-of-way, noted that the garbage service currently uses the alleyway to the point of his property and then they back out of the alley. He also noted that he would be running a fence along the property line so the alley south of the property would not be used as a street access.

Motion by McEvers, seconded by Edinger to approve the vacation of excess railroad Right-of-way between 2nd and 3rd Streets adjacent to Linden Avenue and direct that the vacated property be given solely to the applicant. Motion by Goodlander, seconded by Copstead to amend the motion to vacate the property by splitting it equally between property owners. ROLL CALL: Wolfinger, No; Copstead, Aye; McEvers, No; Reid, No; Goodlander, Aye, Edinger, No. Motion failed. Main motion carried with Copstead voting no.

PUBLIC HEARING – V-03-4 – VACATION OF 2ND STREET RIGHT-OF-WAY AND ALLEY IN THE WEST ½ OF SECTION 1, LYING NORTH OF NEIDER AVENUE, BETWEEN GOV'T WAY AND 4TH STREET (COSTCO PARCEL):

Mayor Bloem gave the rules of order for this public hearing. Chris Bates, Project Manager, gave the staff report.

Mr. Bates noted that Carlsen Development Associates is requesting the vacation of portions of undeveloped right-of-way lying north of Neider Avenue between Government Way and 4th Street. He reported that these are undeveloped parcels of ground, one (12' alley) that was dedicated on the Thomas Addition Plat that connects to a parcel that the City acquired during the Neider Avenue extension project, and a thirty foot (30') strip that was dedicated as a result of a planning action that was to ultimately be utilized for connection of 2nd Street to Kathleen Avenue. There are no public utilities in these parcels and the commercial development on the subject property will preclude any road connection from occurring.

Mr. Bates noted that the vacation of the rights-of-way would allow the applicant to proceed with the commercial development of the Costco project on the subject property. He also is recommending that the vacated property to given to the current adjacent property owners.

He noted that 66 notices were mailed with 16 responses, 15 in favor, and 0 opposed and 1 neutral. Written comments were distributed for Council review.

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

Motion by Wolfinger, seconded by Copstead to approve the vacation of rights-of-way on the proposed Costco property and direct staff to prepare the necessary ordinance. **ROLL CALL:** McEvers, Aye; Reid, Aye; Goodlander, Aye; Edinger, Aye; Wolfinger, Aye; Copstead, Aye.

PUBLIC HEARING – O-3-03 – AMENDING RESIDENCE LIST

REQUIREMENTS: Mayor Bloem gave the rules of order for this public hearing. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos reported that the purpose of the proposed amendments is to bring the notice requirements of the Zoning and Subdivision Ordinances in line with the requirements of the Local Land Use Planning Act. The proposed amendments would delete the requirement that notice be mailed to residents within 300' of the subject property. Also, under the proposed amendments notice of a variance request would only be mailed to property owners adjoining the subject property. The proposed amendments would also ensure that mailed notice of a decision would only be sent to those receiving mailed notice of the hearing. Additionally, the proposed amendments would change some of the

references from the Growth Services Director to Planning Director to be consistent with the current organizational chart.

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

ORDINANCE NO. 3121

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AS FOLLOWS: AMENDING SECTIONS 16.10.020, 16.10.030, 17.09.115, 17.09.120, 17.09.215, 17.09.472, 17.09.610 AND 17.09.615 OF THE COEUR D'ALENE MUNICIPAL CODE TO REFER TO THE PLANNING DIRECTOR INSTEAD OF THE GROWTH SERVICES DIRECTOR; REPEALING THE REQUIREMENT THAT NOTICE OF A PUBLIC HEARING FOR CONSIDERATION OF A SUBDIVISION PLAT, REZONE, SPECIAL USE PERMIT, PLANNED UNIT DEVELOPMENT OR VARIANCE BE MAILED TO RESIDENTS WITHIN THREE HUNDRED FEET (300') FROM THE EXTERNAL BOUNDARIES OF THE SUBJECT PROPERTY; REPEALING THE REQUIREMENT THAT NOTICE OF A PUBLIC HEARING FOR CONSIDERATION OF A VARIANCE BE PUBLISHED IN THE OFFICIAL NEWSPAPER; REQUIRING THAT NOTICE OF A PUBLIC HEARING FOR CONSIDERATION OF A VARIANCE BE MAILED TO OWNERS OF PROPERTY ADJOINING THE SUBJECT PROPERTY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Wolfinger, seconded by McEvers to deny passage of Ordinance No. 3121.

ROLL CALL: McEvers, Aye; Reid, No; Edinger, Aye; Copstead, Aye; Goodlander, No; Wolfinger, Aye. Motion carried.

JULY FOURTH: Council President Reid commended the Police, Fire and Streets for the great job done during the July 4th activities.

PARKS DEPARTMENT COMMENDED: Councilman Copstead commended the Parks Department for all their work in maintaining the parks during the past few weeks beginning with the AIC Conference, Ironman and then the 4th of July.

MAYOR'S ARTS AWARDS: Councilman Wolfinger announced that the annual Mayor's Arts Awards applications will be available the end of this month with the awards being given on October 2nd at the Cd'A Inn.

LIBRARY FUNDRAISER: Councilman Goodlander announced that a fundraiser would be held August 5th at Mr. Hagadone's residence. The fundraiser is for the building fund for the future library.

STREET DEPARTMENT COMMENDED: Councilman Edinger commended the Street Department for the great job they are doing in maintaining and repairing the City streets and reminded citizens to be cautious around street crews when they are working in the roadway.

LOCUST WELL: Councilman McEvers thanked Water Department for all their work in getting Locust Well back in operation.

AUGUST 5th COUNCIL MEETING: Mayor Bloem reminded residents that the August 5th Meeting will be held at 3:30 p.m. that evening.

APPOINTMENTS: Motion by Edinger, seconded by Wolfinger to approve the appointment of Roy Ayeta representing the Kootenai Humane Society and Steve Childers representing the Police Department to the Animal Control Advisory Board. Motion carried.

ORDINANCE NO. 3122

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, VACATING A PORTION OF UNDEVELOPED RIGHT-OF-WAY FROM THE PLAT OF THE FORT SHERMAN ABANDONED MILITARY RESERVATION AND A PORTION OF EMMA AVENUE FROM THE PLAT OF THE EAST LACROSSE ADDITION, RECORDED IN BOOK "B" OF PLATS, PAGE 153-A AND BOOK "B" OF PLATS, PAGE 119 RESPECTIVELY, RECORDS OF KOOTENAI COUNTY, GENERALLY DESCRIBED AS GOVERNMENT ROAD AND EMMA AVENUE IN COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS 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. 3122.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3122 by its having had one reading by title only.

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

ORDINANCE NO. 3123

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, BY ADDING A NEW CHAPTER 2.82 ENTITLED PEDESTRIAN/BIKE COMMITTEE; ADDING A NEW SECTION 2.82.010 ENTITLED ESTABLISHED; MEMBERSHIP; TERMS; ADDING A NEW SECTION 2.82.020 ENTITLED COORDINATOR; ADDING A NEW SECTION 2.82.030 ENTITLED CONDUCT OF MEETINGS; OFFICERS AND ADDING A NEW SECTION 2.82.040 ENTITLED DUTIES AND RESPONSIBILITIES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Copstead, seconded by Edinger to pass the first reading of Ordinance No. 3123.

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

Motion by Edinger, seconded by Wolfinger to suspend the rules and to adopt Ordinance no. 3123 by its having had one reading by title only.

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

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

The session began at 7:55 p.m. Members present were the Mayor, City Council, and City staff.

Matters discussed were those of personnel matters, labor negotiations, property acquisition and legal issues. No action was taken and the Council returned to regular session at 11:00 p.m.

CLAYTON WELL BIDS: Motion by Wolfinger, seconded by Reid to reject all bids for the Clayton Well Pumphouse. Motion carried.

ADJOURNMENT: Motion by Edinger, seconded by Copstead that this meeting be recessed to July 16, 2003 at 7:00 a.m. and then to August 5, 2003 at 3:30 p.m. Motion carried.

The meeting recessed at 11:03 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk