

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 19, 2005

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 19, 2005 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Loren Edinger	)	Members of Council Present
Al Hassell	)	
Woody McEvers	)	
Deanna Goodlander	)	
Dixie Reid	)	

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

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

**PRESENTATION – LEGENDS PHOTOGRAPHY SCHOLARSHIP:** Recreation Director Steve Anthony and Legends Photography Studio owner Jim Gallagher presented the \$300.00 Legends Photography Scholarship to Vanessa Gorshin. Mayor Bloem presented Mr. Gallagher a plaque on behalf of the City for Vanessa Gorshin.

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

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

1. Approval of minutes for July 5, 2005.
2. The Public Works Committee and General Services Committee are scheduled for July 25th at 4:00 p.m.
3. RESOLUTION 05-47: 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 THE DESTRUCTION OF CERTAIN POLICE RECORDS; APPROVAL OF S-5-03 ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR SUNSHINE MEADOWS, 7<sup>TH</sup> ADDITION AND APPROVAL OF S-3-05 FINAL PLAT APPROVAL, ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR PHEASANT RUN CONDOMINIUMS.
4. SS-5-05–Final plat approval for Erikson Lots

5. Cemetery lot repurchase from Lavonne Griffin.
6. Approval of bills as submitted and on file in the City Clerks Office.
7. Approval of beer/wine license for Scott Ja-Mama's BBQ at 206 N. 4th
8. Setting of Public Hearings: ZC-3-05 at Ramsey and Atlas Road in the LCHS area for September 6, 2005; O-2-05 Pre-application meeting requirements for September 20, 2005; O-3-05 Definition of Planting Screen for September 20, 2005

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

**DOWNTOWN REGULATIONS:** Council President Reid reported that today was the first meeting regarding the regulations for heights and other regulations in the downtown area and encouraged the press to attend. She noted that the next meeting will be August 2<sup>nd</sup>.

**4<sup>th</sup> OF JULY CLEANUP:** Councilman Edinger commended the Parks and Streets Departments for the excellent job in cleaning up after the 4<sup>th</sup> of July events.

#### RESOLUTION NO. 05-048

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE TRANSFER OF A FOOD VENDOR LEASE AGREEMENT FROM GORDON AND DAWNA ANDREA dba FUNTASTIC FOODS, WHOSE ADDRESS IS 726 W. DAKOTA AVENUE, HAYDEN LAKE, IDAHO 83835 TO NATHAN SABLAN, WHOSE ADDRESS IS 3973 W. LOXTON LOOP, COEUR D' ALENE, IDAHO 83815.

Motion by Hassell, seconded by McEvers to adopt Resolution 05-048.

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

**CONTINUATION OF FIRE DEPARTMENT USE OF WATER RESPONSE VEHICLES:** Motion by Goodlander, seconded by Edinger to approve staff request to continue the pilot program through the end of the 2005 summer. Motion carried.

#### RESOLUTION 05-049

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AGREEMENTS FOR ARCHITECTURAL AND PROJECT ADMINISTRATION SERVICES FOR THE COEUR D'ALENE PUBLIC LIBRARY PROJECT, WITH ARCHITECTS WEST, INC., ITS PRINCIPAL PLACE OF BUSINESS AT 210 E. LAKESIDE AVENUE, COEUR D'ALENE, IDAHO 83814.

Motion by Goodlander, seconded by Reid to adopt Resolution 05-049.

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

**WATER SERVICE OUTSIDE THE CITY LIMITS:** Water Superintendent Jim Markley received a request from Mr. Roy Marshall for new water service at 2720 East Harrison Avenue. Mr. Markley explained that the parcel of land is grandfathered under prior regulations and would be allowed one water service hookup, that the applicant is seeking to split the parcel into two parcels and is requesting additional service to the newly created parcel. He explained that providing the additional service to the newly created parcel would violate the provisions of Council Resolution 82-061. He noted that the Public Works Committee is recommending denial of the two water services.

Motion by Reid, seconded by Goodlander to approve water service to 2720 E. Harrison Avenue from either Harrison Avenue or from Gunnison Place, as long as there is no expansion of service and no demand for additional service. Motion carried.

#### RESOLUTION NO. 05-050

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ADOPTING THE USE OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM / INCIDENT COMMAND SYSTEM.

Motion by Reid, seconded by McEvers to adopt Resolution 05-050.

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

#### RESOLUTION NO. 05-051

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO RATIFYING AN AGREEMENT WITH THE COEUR D' ALENE SCHOOL DISTRICT #271 FOR THE EMPLOYMENT OF SCHOOL RESOURCE OFFICERS FOR SCHOOL DISTRICT FISCAL YEAR 2005-2006.

Motion by Edinger, seconded by McEvers to adopt Resolution 05-051.

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

#### RESOLUTION 05-052

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY IDAHO AUTHORIZING AN AGREEMENT FOR SITE TOPOGRAPHY OF CITY PROPERTY EAST OF THE EXISTING FIRE STATION II FOR A NEW ADDITION TO INCLUDE EXISTING CITY STREETS AND WATER DEPARTMENT

FAICILITIES, WITH FRAME AND SMETANA P.A., ITS PRINCIPAL PLACE OF BUSINESS AT 603 N. 4<sup>TH</sup> STREET, COEUR D'ALENE, IDAHO 838314.

Motion by Edinger, seconded by Reid to adopt Resolution 05-052.

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

**PUBLIC HEARING – V-05-3 – VACATION OF REMAINDER OF PORTION OF GOVERNMENT WAY RIGHT-OF-WAY IN LOT 2, BLOCK 1, RUBY**

**COMMERCIAL TRACTS:** Mayor Bloem read the rules of order for this public hearing. Gordon Dobler, Growth Services Director, gave the staff report.

Mr. Dobler reported that the applicant, Dan Bishop, owner of Petal Pushers nursery on the southeast corner of Government Way and LaCrosse Avenue is requesting vacation of the remaining portion of the Government Way right-of-way lying between the westerly boundary of Lot 2, Block 1 of the Ruby Commercial Tracts and a point that is one foot (1.0) from the back of the existing sidewalk on the easterly side of the road.

He reported that the vacation of a ten foot (10') strip of right-of-way adjoining the underlying lots was granted in 1997. Mr. Bishop is now requesting that the balance of the right-of-way up to within 1.0 of the existing sidewalk be vacated to allow the modification of the building at that location. Mr. Dobler noted that with Government Way already fully improved and constructed to its ultimate width, the vacation of the remainder portion would not impact the Government Way street section.

He reported that 20 notices were mailed regarding this public hearing with no written comments being received.

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

MOTION: Motion by Reid, seconded by McEvers to approve the vacation of the remaining portion of Government Way right-of-way in Lot 2, Block 1, Ruby Commercial Tracts.

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

**PUBLIC HEARING – ZC-7-05 – ZONE CHANGE ADJACENT TO MARINA YACHT CLUB AT 1000 MARINA DR. and A-5-05 – ANNEXATION/ZONING OF MARINA YACHT CLUB AT S. 1000 MARINA DR.:**

Mayor Bloem read the rules of order for this quasi-judicial public hearing. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos gave the applicant's name as Hagadone Hospitality Co., the location for the zone change as a +/- 6.7-acre parcel at the southwest corner of Highway 95 and Marina Drive and the location for the annexation/zoning as a +/- 78.3-acre parcel south of the 6.7 acre parcel, and the requested zoning on both parcels as C-17 including Navigable Waters designation.

He went on to give the staff analyses for zoning, Comprehensive Plan, utilities, traffic and streets. On June 14, 2005 the Planning Commission recommended approval of the requested zone change and annexation/zoning with the following conditions:

1. Require the applicant to participate in the cost of the emergency inter-tie between the City and Cougar Ridge water systems.
2. Pursuant to the three items listed in the sewer evaluation, address the immediate sewer needs for the subject property, develop a sewer master plan for the A.C.I. area south of the Spokane River and an area specific plan for upgrading the private lift station and force main to public standards should it become a public facility.

He reported that on July 1, 2005 13 notices of tonight's public hearing were mailed to all property owners within 300' of the subject property and 3 responses were received which were all neutral to the request. Written comments were distributed for Council review.

Councilman Edinger asked the City Attorney to address the issue presented in a letter from the Department of Lands regarding the City's ability to annex water. Mr. Gridley, in response to a letter from the Department of Lands noted that the City can annex up to ¼ mile out in the water abutting the city. He did add that the State still has control over the lake bed. Councilman Hassell asked the Wastewater Superintendent, when the area was originally annexed for the RV park, there was concern about running the water and sewer lines across the bridge and he wanted to know if the line crossing the US 95 bridge was adequate. Mr. Fredrickson reported that the current line will be adequate for this annexation but the Wastewater Department is asking the developer to assist with the development of a master plan for that area. Council President Reid asked about the issue of water pressure for such things as fire fighting in this area and does the City have an emergency agreement with other water agencies. Mr. Markley responded that we do not at this time have an agreement allowing for an emergency connection, but that the mains are very close together and physically a temporary, emergency connection could be made between Hayden Lake Irrigation and Coeur d'Alene if both parties agreed. Councilman McEvers asked what a limited design PUD is compared to a regular PUD. John Stamos explained the differences between the two types of PUDs, such as design considerations, landscaping and open space such as the limited PUD for the Coeur d'Alene Golf Course.

**PUBLIC COMMENTS:** John Barlow, 3403 Fernan Hill Road, speaking on behalf of the applicant, presented the proposal for the marina with the new boat slips including 29 new boat slips and the construction of a marina/boat sales facility. He noted that in order to do the light sales and marina service, they need to have a C-17 zoning. He noted that future development east of the marina/boat slip would be for housing units. He noted that there is a new public walkway provided throughout the PUD along the marina that ties into the City public trail adjacent to the subject property. He also noted that there will be additional public parking at the site. The applicant has met with staff as well as ITD and as future development is completed they will participate in a traffic study including the installation of traffic control devices. He noted that this development creates a large amount of tax base for the City as it is not within any urban development districts. He also noted that this is the front door to our City from the south and the proposed development would improve that entrance to the City. He believes that the

zoning request is in line with the existing land uses in this area. Councilman Hassell asked what the time line for development is. Mr. Barlow noted that the project is a 3-year phased plan with the marina being developed first. Councilman Edinger asked what is proposed for the land east of the marina. Mr. Barlow noted that they are planning on developing condominiums, restaurants and other amenities consistent with condominium living. Councilman Goodlander asked for more detail on the trail system. Mr. Barlow responded that the trail system could be developed immediately but they would need to work with the City to complete the City's portion of the trail system. Councilman Edinger asked if there would be a traffic study done off of US 95. Mr. Barlow responded that they have met with ITD several times and as a result until the bridge is widened which there is no plans to widen, no additional right-of-way would be needed at this time.

Murray Danzik, 1219 W. Steamboat Drive, Kootenai County, spoke in support of the proposed annexation and zoning. John White, W. 4175 Cougar Gulch Road, Kootenai County, believes that the existing facilities have been an eyesore for years and believes that this will be a fantastic improvement to the City of Coeur d'Alene. He was concerned about water and sewer and without those services this development would not be able to be developed. Julie Dalsaso, 743 Fairmont Loop, Coeur d'Alene, believes that the proposed development will negatively impact the wetlands and wildlife and suggested downsizing the proposed development. Additionally, she believes that the Comprehensive Plan should be upheld and the Council should require Mr. Hagadone to have to comply with these regulations. She also noted that the Department of Lands had denied the dredging of this marina and suggested that Council also deny this request. Patrick Behm, 743 Fairmont Loop, voiced his concerns about the flooding of this area as well as this area being over the aquifer and that dredging could cause zinc to leak into the aquifer. He is also concerned about losing the NIC beach by construction on this island. He also fears that the flooding of the island will leech toxins into the Spokane River as well as high rises looming over the NIC beach. He also noted a lack of plan for cyclists and pedestrians to access this property. He would also like to see a reduction in the number of docks at this site. Finally, he also believes that the Sheriff's Marine Division should be allowed to stay at this site. Carol Sebastian, representing the Kootenai Environmental Alliance, believes that tax payers should not be responsible for extension of water and sewer service to this area. She also noted that the Alliance has a concern regarding the high density zoning and that this would not blend with surrounding areas as this would take away from the view of the River and Lake as you come into town. She voiced her concern that the increased number of boats would negatively impact the birds and fish in this area and this needs to be addressed. She also believes that larger boats to this marina will negatively impact the flow of existing boats and wants assurances that this development would not have any negative impact as a result of the 100 year flood plan area. Other concerns lie with the other agencies. She stated that her group is neither for nor against this since not enough information has been provided. Mark Duvall, 500 W. Dalton Ave. sees Blackwell Island as the last piece of the puzzle to improve the appearance for the City. Joe Anderson, 9650 Country Club Dr., Hayden Lake, spoke in support of the proposed project and recalled the results of this developers work on the former mill site and the current world class golf course and urged the Council to give this a chance. Claudia Brennan, 3500 Payette Rd., spoke in support of this project and

believes that this will be a first class job and asked the Council to support this. Mary Damiano, voiced her concern about dredging the lake for larger boats and she objects to larger boats on the lake. As a result of an incident her family had with a large boat, she does not believe that ocean going boats do not belong on Lake Coeur d'Alene and the size of boats should be regulated and asked the Council to deny the permit to dredge the lake. Council President Reid noted that the Council does not have any jurisdiction on lake dredging or the size of boats allowed on the Lake. Don Bennett, 4720 Meadow Lane, Kootenai County, noted that his son sees this project as an environmentalists dream. Mike Tilford, 1859 N. Lakewood Dr., speaking on behalf of Captains Jack, spoke in support for this project. John Stamos, read a letter from Blackwell Island RV Park expressing their support of this project.

REBUTTAL: John Barlow commented that there has been a study done for the City regarding flooding which indicates that flooding does not increase the flow into the river. He also noted that Hagadone Corporation is willing to do the impact study for that end of town as well as participate in the utility extensions. He noted that he is not asking for any incremental financing plus, plus they will pay the fees for annexation as well as tap and cap fees. He assured the Council that DEQ has addressed the issues regarding fish and wildlife in this area. Councilman Edinger noted that Julie Dalsaso mentioned industrial use. John noted that there will not be any industrial use. Councilman McEvers asked Mr. Barlow to comment on the conflicting statements regarding 4 buildings in area 1. Mr. Barlow responded that the Planning Commission did not want one big building and he agreed that they would construct a minimum of 4 buildings of different heights and design. Councilman McEvers questioned the density. Mr. Barlow noted that 40% of the development is open space which includes public greens and trails. There may be some density in certain areas but it is clustered to allow for ample open space. He also noted that the Department of Lands can put conditions on their permit to allow for environment and fowl and fish in this area. He noted that most of the large boats do not go out on the lake because they are their summer homes. Councilman Edinger noted that his big concern with the RV Park being annexed was the access point into this property. He was happy to see that the Hagadone Corporation is willing to work with ITD to do something at that intersection. Mr. Barlow noted that in order for them to get their building permits from the City, they need to have the permit signed off by ITD so that intersection will be addressed. Councilman Edinger asked City Attorney Mike Gridley if this parcel is annexed into the City does the shoreline ordinance come into effect. Mr. Gridley said yes.

MOTION: Motion by Reid, seconded by Edinger to approve the requested zone change from C17-L to C-17 and approve the annexation with C-17/NW zoning, to adopt the Findings and Order of the Planning Commission and to direct staff to negotiate an annexation agreement including the recommended conditions of the Planning Commission.

DISCUSSION: Council President Reid noted that she believes that this is a good thing for the City of Coeur d'Alene as it creates a wonderful entry into the City. Some of the issues brought up tonight are not in our purview such as dredging, but rather the issue before the Council was zoning and annexation. She believes that this is a benefit to the City. Councilman Goodlander expressed her appreciation for the Hagadone Corporation

for sharing their facilities with the public as they are again proposing in this project. She believes that this is a real asset to our community and also this provides the City with more taxes that will be of value to all citizens. Councilman Edinger appreciated Mr. White's comments about the improvements to the entrance of the City.

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

**PUBLIC HEARING – A-3-05 – ANNEXATION/ZONING OF 7935 AND 7693 RAMSEY ROAD:** Mayor Bloem reiterated the rules of order for this public hearing. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos gave the applicants' names as Mark & Kory Doerfler and David & Jenny Donohoe, the location as a +/- 9.63-acre parcel at 7693 and 7935 Ramsey Road, and the reason for the request as a zone change from County Agricultural-Suburban to R-3.

He went on to give the staff analyses for zoning, Comprehensive Plan, utilities, streets and traffic. He reported that on May 24, 2005 the Planning Commission recommended approval of the proposed annexation and zoning. On June 17, 2005 15 notices of this public hearing were mailed to all property owners within 300' of the subject property with 3 responses being neutral to the request. Written comments were distributed for Council review. He noted that this hearing was being continued from July 5<sup>th</sup> as an adjoining property owner claimed that part of this property was owned by him which, since that claim, it has been verified that the applicant is the owner of the property.

In response to Councilman Hassell's question, there will be reduced private roadways within in the development. Council President Reid asked where the access to sewer will be. John Stamsos noted that it will be extended north from Ramsey. Council President Reid also noted that the City requires sewer to be extended to the outer most limits of the subject property. John Stamsos deferred this question to the applicant.

**PUBLIC COMMENTS:** Bryan Westby, from Adams and Clark, 306 Spokane Avenue, Post Falls, Idaho, noted that there is an easement running through the middle center of the subject property and the sewer line will be extended to the northern point along this easement. He noted that the PUD lot sizes are larger than if they were developed in the County. Council President Reid asked if they have the ability to access out to Ramsey Road. Mr. Westby noted that they do have a 50' access easement to Ramsey Road and they are being asked to make it a 60' access. Councilman McEvers asked if the developer believes that they will have adequate access onto Ramsey Road. Mr. Westby noted that the City Engineer did not see any additional alterations needed to Ramsey Road due to the projected trip generations. In response to Mr. Hassell's question, Mr. Westby said there will be curbing and there will be a community open space as well as pedestrian paths throughout the area which will be maintained by a homeowners association.



**MOTION:** Motion by Reid, seconded by McEvers to approve the requested annexation/zoning for R-3, to adopt the Findings and Order of the Planning Commission and to authorize staff to negotiate an annexation agreement.

**DISCUSSION:** Councilman Hassell voiced his concern about creating a potential problem by creating an area where it difficult for the City to maintain in the future.

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

**EXECUTIVE SESSION:** Motion by Reid, seconded by McEvers to enter into Executive Session as provided by Idaho Code 67-2345 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; Edinger, Aye; Hassell, Aye; Goodlander, Aye; McEvers, Aye. Motion carried.

The session began at 8:15 p.m. Members present were the Mayor, City Council, City Administrator and City Attorney.

Matters discussed were those of labor negotiations, property acquisition and pending litigation.

No action was taken and the Council returned to regular session at 9:12 p.m.

**ADJOURNMENT:** Motion by Edinger, seconded by Goodlander, that this meeting be recess to July 26<sup>th</sup> at 5:15 p.m. and then to July 28<sup>th</sup> at 5:15 p.m. Motion carried.

The meeting recessed at 9:14 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, CMC  
City Clerk