

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
September 18, 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 September 18, 2007 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

INVOCATION was led by Reverend Ron Hunter, Church of the Nazarene.

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

PRESENTATION: Mayor Bloem presented a plaque in recognition of the services of retiring Police Chief Wendy Carpenter. She commended Chief Carpenter for her service on behalf of the City of Coeur d'Alene for the past 30 years and commented that Chief Carpenter moved up through the ranks at the Police Department because of her hard work and ethics. Councilman Reid thanked Chief Carpenter for the excellent job she did as interim chief. She further commented that the atmosphere in the Police Department is more relaxed than she has ever seen it and it is due in a large degree to the respect that the officers have for Chief Carpenter.

PROCLAMATION: "International Peace Day": Mayor Bloem proclaimed September 21, 2007 as "International Peace Day" in the City of Coeur d'Alene. Dr. Mark Cochran, President of Peace Coeur d'Alene, accepted the proclamation. Dr. Cochran asked everyone to look inside themselves and ask what peace means to them. Then decide what you are going to do to help realize your personal ideal of peace. Dr. Cochran also announced that on Friday at NIC in the Molstead Library, they will be showing a documentary entitled "Peace One Day" at 12:00 p.m. and 3:30 p.m. This Saturday in the City Park they will be celebrating "Peace Day in the Park" from 1:00 to 5:00 p.m.

PRESENTATION: Downtown Parking Study. Troy Tymesen, Finance, Director, introduced Richard A. Rich and Annaka Norris of Rich & Associates, Parking Consultants. He commented that they are mid-way through the parking study process and that the report presented this evening is a preliminary report, which is also available online on the city's web site.

Ms. Norris commented that the parking study is a work in process and they are finishing up the first phase. She explained the study area and what has been done so far, including a parking inventory and land use study of downtown. In addition, they have completed utilization studies and surveys.

The City of Coeur d'Alene manages 52% of the parking in the downtown area. There are 2,822 public and private parking stalls in the downtown study area. They completed a turnover study on June 18th and overall, 93% of the vehicles stayed in a stall less than the two hour posted time limit, although there were some vehicles that did the "two hour shuffle." On-street peak occupancy of 63% occurred between 1:00 and 3:00 p.m.

Mr. Rich commented that at the 85% parking level, in general, parking is considered to be full. This is because it is at that level that a visitor finds it "obnoxious" to find that very last space. The off-street peak occupancy of 50% occurred between 1:00 and 3:00 p.m.

Mr. Rich explained that the next step was to determine the parking demand by block, and then calculate a surplus or deficit of parking for the overall parking area. In the overall study area there is a deficit of approximately 414 stalls. They do feel that there are certain blocks that have deficits. They have only looked at the currently occupied space but there is a significant amount of vacant space in the downtown. In the nine block study area there is currently a deficit of about 220 spaces. In the future that number rises to 569 with the reoccupancy of buildings.

Ms. Norris commented regarding the surveys that were conducted. Managers commented that over 10% of their employees park on the street. From the employee surveys received, 18% said that they parked on the street. Ms. Norris further commented that there is a bit of an issue with shuffling and employees parking in the wrong places. Twenty-four percent of the employees said that they pay for their own parking. The employees also felt there wasn't enough parking and the parking was not close enough. In regard to the public surveys that were received, top reasons for coming downtown include business, recreation, and restaurants.

Preliminary recommendations indicate that the number of parking enforcement staff is sufficient right now. They are also recommending that hand-held technology be used in the downtown for purposes of consistency. They also recommend graduated fines and the continuation of the use of multiple tickets. The city might also want to consider courtesy tickets, which can be used as a marketing tool. Vehicle immobilization (boot) might also be considered, as well as special event parking plans. The city should also consider pedestrian way-finding and kiosks in the downtown area as well as minimizing

pedestrian/vehicle interaction. In addition, signage and way-finding is important for parking and the city needs to direct people all the way from the highway to the downtown area. The signs also need to be consistent in type and color of signs.

Councilman Reid asked why it is important to paint lines on the street to mark the parking stalls. Mr. Rich responded that it is good for the hand-held equipment. The striping brings some order to the parking and people are able to get their cars out. It does, however, result in fewer cars being able to park. One downside to painting the parking lines is maintenance but, in general, the best practice is to stripe the stalls.

Councilman Reid asked Mr. Rich to explain the hand-helds. Mr. Rich explained that the hand-held is a small computer in which the enforcement officer enters the plate number. There is no chalk involved. It actually streamlines the operation and gives the enforcement officer a tool that helps to manage the parking. It can also assist law enforcement.

Councilman Kennedy indicated that he had received an email from a constituent with comments regarding a possible parking structure and parking meters. Mr. Rich confirmed that the preliminary report is not calling for a parking structure right now. Councilman Reid commented that the city had parking meters in the past but they were removed because it was more economically feasible to take them out and do the chalking.

PRESENTATION: “Coeur d’Alene – A Year in Review.” Jon Ingalls, Deputy City Administrator, discussed the significant accomplishments of the City of Coeur d’Alene during the last fiscal year. It has been a once in a lifetime year with an unprecedented number of one-time big expenses, high profile projects, and key initiatives completed. It was also a year of enhancing basic city services, and it was also all about teamwork. Mr. Ingalls reported on the progress of the city council goals that were established last year and a review of the goals going forward. Some highlights of the presentation included: the hiring of three new police officers and three new firefighters; changes in Planning & Zoning regulations; upgrades to electrical plan review and inspections; ADA compliance and ped ramps; strengthening of code enforcement through the hiring of an in-house code enforcement officer; implementation of a traffic school; enhancements to CDATV; completion of Cherry Hill Park and 9-11 Memorial; completion of Johnson Mill River, North Pines, and Riverstone parks; Downtown Development Regulations; property acquisition for the Kroc Community Center, which will be the site of a 123,000 sq. foot building with a construction cost of \$35,000,000 plus an endowment fund, for an overall gift approaching \$70,000,000; completion of Phase 4B, Wastewater Treatment Plant expansion; replacement of 100 year old Tubbs Hill water tank; Ramsey Road reconstruction and the replacement of the swales in the center divider; acquisition of a portion of the Union Pacific Railroad line which will result in a 5.25 mile trail from Meyer Road down to Riverstone; Water Department meter read conversion; the hiring of a new Police Chief and the completion of the PD Assessment Study; bmx and skateboard park improvements; completion of overlay projects; completion of the NE Quadrant pressure enhancement project; completion of the new Library; Fire Station 2 expansion, new training structure and new fire administration building.

Mr. Ingalls reviewed the top 10 goals for the next fiscal year and commented that all of them are funded in the budget.

Councilman Goodlander thanked the Lake City Development Corporation for its partnering efforts with the city in the areas of affordable housing, the parking study, the Chamber building, the Kroc site acquisition, library site acquisition, and partnering on Mill River and Riverstone parks.

Councilman Reid commended city staff for their efforts. Councilman Hassell commented that the city staff go above and beyond their job description to get the job done.

PUBLIC COMMENTS:

TRAFFIC ENFORCEMENT: Harold Hocker, 1413 E. Spokane Avenue, Coeur d'Alene, stated that there is not enough enforcement on speeders. It is almost impossible to get onto 15th Street. Speeders are causing a lot of accidents and he wonders why the police don't give more tickets. He also commented that there are speeders on Government Way, and Third and Fourth Streets. Mayor Bloem commented that council will ask the Police Department to put the speed trailer on 15th Street.

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

1. Approval of minutes for August 30, 2007 and September 4, 2007.
2. Setting the Public Works Committee and General Services Committee meetings for September 24, 2007 at 4:00 p.m.
3. RESOLUTION 07-059: 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 LEASE AGREEMENT WITH HAGADONE HOSPITALITY, INC. FOR A DEMONSTRATION ICE SKATING RINK; APPROVAL OF A MEDIA SERVICES AGREEMENT WITH JEFF CROWE D/B/A BUNKHOUSE MEDIA FOR THE CITY'S TELEVISION PRODUCTION SERVICES AND APPROVING THE DECLARATION OF SURPLUS PROPERTY – 1986 MACK FIRE ENGINE.
4. Approval of Bills as Submitted
5. Approval of Cemetery Lot Repurchase from Josie Nicholls

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

COUNCIL ANNOUNCEMENTS:

REID: Councilman Reid asked the citizens to watch out for children since school has started. She also commented regarding a phone call she received from one of the local television stations that parents were running their children across 5 lanes of traffic on Kathleen Avenue and that this was extremely dangerous. She asked parents to think about the message of safety that you are sending to your child.

GOODLANDER: Councilman Goodlander commented that the new computer program that the Building Department has been using for electronic inspections and plan checks was written in house by the city's I.T. staff. She further stated that other jurisdictions have spent \$100,000-\$200,000 for programs such as this, not including maintenance and upgrade agreements. The I.T. staff are amazing.

APPOINTMENT – CHILDCARE COMMISSION: Motion by Goodlander, seconded by Hassell, to appoint Susie Freligh to the Childcare Commission.

Motion carried.

ADMINISTRATOR'S REPORT:

City Administrator Gabriel stated that at a prior meeting a woman testified that her cat had been killed by a pit bull. As a result of those comments, staff was requested to look at options. They have received much input from concerned citizens. Options are coming to the General Services Committee meeting on Monday, at 4:00 p.m., and then on to the full City Council. The options will include ordinance amendments and changes that make irresponsible owners of any dog more accountable. Ms. Gabriel thanked the public and the citizens for their comments.

Ms. Gabriel further stated that city employees recently held a United Way fundraiser and raised \$1,000.00. The City Recreation Department is also sponsoring a fly casting workshop at the Johnson Mill River park on September 29th, from 9 – 12 and 12 – 4.

The Comprehensive Plan will be having one more public hearing tentatively scheduled for October 9th. Also, the Idaho Recreation and Parks Association awarded LCDC with an "Outstanding Organization" award in our community. They were awarded for their contributions to our parks in Coeur d'Alene.

Ms. Gabriel further stated that Police officer applications will be accepted until November 2nd. Deputy Engineer and Engineering Project Designer applications are also being accepted.

Ms. Gabriel quoted some library statistics since the recent opening of the new library. There were 8,750 books, dvds, and cassettes checked out and 693 new library cards issued. She thanked the library staff for their hard work and dedication.

Last week there was a community meeting where the focus was on the Police Department. The citizens were asked what we are doing well and what we could be doing better. Chief Longo will be deciding what priorities to implement.

Ms. Gabriel also stated that Chief Longo was recently misquoted in the CDA Press regarding gangs. He is pro-education and pro-neighborhood involvement. Ms. Gabriel encouraged neighborhoods to get organized and stated that Chief Longo and his team will be at the meetings when requested.

RESOLUTION NO. 07-060

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT REGARDING RECREATIONAL SITES RELATED TO THE POST FALLS HYDROELECTRIC PROJECT, WITH AVISTA CORPORATION.

STAFF REPORT: Steve Anthony, Recreation Director, presented the staff report. He commented that he was invited to a meeting of all of the stakeholders along the Spokane River in the spring of 2002. Avista was in the process of relicensing their dams. As a result of the meetings, it was agreed that Avista would mitigate their impact upon the city by providing assistance with three projects: (1) installing showers at the city beach, (2) a new restroom shelter at McEuen field, and (3) a connection from Huetter down to Johnson Mill River Park and the Centennial Trail. Avista has agreed to fund 25% of those projects and, addition, give the city \$3,500.00 annually to help with maintenance of the projects.

Councilman McEvers asked what makes it a “settlement agreement.” Mr. Anthony responded that when Avista relicenses a dam, they have to contact all of the stakeholders and try to mitigate any impact they might have on them.

MOTION: Motion by Goodlander, seconded by Edinger, to adopt Resolution 07-060.

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

COUNCIL BILL NO. 07-1037 ORDINANCE NO. 3315

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF 8TH STREET RIGHT-OF-WAY FROM THE KELLER'S ADDITION TO COEUR D'ALENE, IDAHO SUBDIVISION, RECORDED IN BOOK “B” OF PLATS, PAGE

114, RECORDS OF KOOTENAI COUNTY, IDAHO; GENERALLY DESCRIBED AS THE EASTERLY TEN FEET (10') OF THE EIGHTY FOOT R/W OF EIGHTH STREET ADJOINING THE WESTERLY BOUNDARY OF A PORTION OF BLOCK 2; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Goodlander, seconded by Hassell, to pass the first reading of Council Bill No. 07-1037.

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

Motion by Edinger, seconded by Hassell, to suspend the rules and to adopt Council Bill No. 07-1037 by its having had one reading by title only.

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

RECESS: Motion by Edinger, seconded by Kennedy, to recess for five minutes. The meeting recessed at 7:40 p.m. and readjourned at 7:48 p.m.

PUBLIC HEARING – AMENDMENTS TO THE 2006-2007 BUDGET: Mayor Bloem read the rules of order for this legislative public hearing. Troy Tymesen, Finance Director, gave the staff report. Mr. Tymesen commented that the fiscal year ends at the end of September and the city has to forecast everything through the year end. Idaho statutes are clear in that they require cities to make everything balance. Mr. Tymesen stated that it has been a phenomenal year and constituents have received great value for the dollar. He is requesting an \$18,062,325 budget amendment and explained the changes to the budget and the funds. Mr. Tymesen stated that the monies would be transferred from the fund balance, and that you grow and amend a budget by getting additional revenues that you have not anticipated. The additional budget expenses were covered by a fund balance transfer and additional revenues. Mr. Tymesen explained that he likes to be fiscally conservative and not put things into the budget until they are needed. That way the budget is not over-inflated. He further commented that the city is audited annually and is in touch with its auditors regularly.

Councilman Kennedy commented regarding the budget amendment and stated that calling it a “shortfall” is not an accurate statement. Mr. Tymesen agreed that stated that a “shortfall” would mean that the city didn’t have the money to cover the expenditures. The city is amending its budget to show where the money is coming from to make that budget balance. He further commented that the budget is amended annually every year and it is allowed by Idaho Statute. The city has not spent money that it doesn’t have.

Councilman Edinger asked about the public safety bond election funds and how much more money is left. Mr. Tymesen commented that the projects remaining are the administrative building and the remodel of Station 1, and that there is \$1,830,000 left. The projects should be completed within the next fiscal year.

Councilman Hassell confirmed that the city chooses to wait until the end of the year and do the budget amendment all at once. Mr. Tymesen stated that it takes a public hearing and notice and the budget changes all the time.

Mr. Tymesen confirmed that the budget will only spike when the city does large capital activities. The \$18 million is used for one-time expenditures.

PUBLIC COMMENTS:

Thomas R. Macy, P.O. Box 601, Post Falls, stated that Idaho law is not optional. He read a letter and asked that it be placed on the record. He further commented that there are discrepancies between the activities permitted under Idaho law and actions being proposed to take. He stated that the city is in violation of Idaho Code Title 50, Chapter 10. The city's spending patterns have deviated significantly from what is allowed by the Idaho statutes.

Councilman Reid commented that it takes a city council member a minimum of two years to begin to understand the budget and that the council takes every precaution to obey the law.

Mayor Bloem asked Mike Gridley, City Attorney, to comment. Mr. Gridley stated that the Legal Department has looked at the budget amendment very carefully and the city has been audited every year. In this instance, what the city is doing is correct. There is nothing in the budget that has not come before council and was not approved. Idaho law allows for an amendment. Mr. Gridley further commented that Bill Douglas, Kootenai County Prosecutor, looked at the allegations and said there is nothing to them. Mr. Gridley further confirmed that Coeur d'Alene is not the only city in Idaho to do their budget amendments this way. He further commented that elected officials are allowed to determine how the money is spent.

Mr. Tymesen commented that the city has been recognized for its annual financial report, which is reviewed by auditors. The city has won an award three times in the last ten years. He further commented that he has been Finance Director for seven years and confirmed that he is bonded.

Councilman Goodlander asked about the process for buying the G.O. bonds last winter. Mr. Tymesen stated that Moody's rating reviewers came out to the City of Coeur d'Alene and looked at the financial reports, management, and track record. The City of Coeur d'Alene was given a rating second only to Boise, and the city is rated higher than the City of Spokane as far as management, financial reporting, and future potential. The rating that the city received makes the investor more comfortable with their return.

Councilman Kennedy asked Mr. Macy what he would do if he were a councilman. Mr. Macy responded that he would read the report and determine if it is correct. Mr. Kennedy further stated that it would be a fiduciary breach of his duty to go against the advice of his council and treasurer.

Larry Spencer, 634 Skyhawk Drive, Spirit Lake, commented that the law is clear – before you spend the money you have to appropriate the money by ordinance. The city has spent money all year that has not been appropriated. The budget must be balanced before it is sent to the Kootenai County Commissioners for certification. The way the city does this is that it makes almost meaningless the budget that was approved at the beginning of the year.

Harold Hocker, 4013 Spokane Avenue, Coeur d’Alene, stated that recalls that the Prosecuting Attorney said that it was a civil matter and not a criminal matter. Lawyers twist things and most people don’t trust them.

Mayor Bloem asked Mr. Gridley if, when money was appropriated for the Parks Foundation to provide services for the community, was it brought forward to the city council. Mr. Gridley responded that it was put on agendas because it was an unusual circumstance. It was brought forward and there were two different hearings; one approving the Parks Foundation on February 20th, and then subsequently council approved the transfer of the agreement to the Salvation Army. It was a two-step process and was done according to Idaho law. We are clearly allowed to amend the budget to allow for one time expenditures.

Dennis Heinrickson, 946 E. Spruce Avenue, Coeur d’Alene commented that he feels his trust is betrayed. He is concerned with the URD mess that we are seeing unfold in Boise. What the city ends up putting before the citizens as its budget is what we will anticipate our taxes would be based on. There was nothing detailed in the presentation that indicated where the money came from. The public library was proffered to be procured by public donated funds, as well as the Kroc Center. The problem is the breach of trust and the defiance and finger-waving. He believes that the citizens in this community should have more respect when they ask a question. The council needs to repair the trust that they have broken. The library is far away from 17 schools. Most people will not be able to get into the Kroc center. He also mentioned affordable housing, violent crime, and cost of living.

Mayor Bloem stated that she was extremely involved in the Kroc Center, and went through four different processes to get that completed. She further stated that in every single process we made it clear that if we are going to win we had to provide the land ready to build. It was stated at every single opportunity. No one will be denied access to the Kroc Center. This community gave \$8M privately to the endowment fund to make that happen. She was also one of the original people on the Library Foundation Board. They were very honest with the voters when they went out with the bond last year that they couldn’t build it alone. Over 2/3 of the people in this community went to the polls and said they would be a partner.

Gary Ingrahm, 2921 N. 6th Street, Coeur d'Alene, commented that he is a former member of the Idaho Legislature for 8 years, and chair of the Local Government Committee. If he were sitting in the council chair, he would want to verify that what the council is doing in regard to the budget is correct.

COUNCIL BILL NO. 07-1039
ORDINANCE NO. 3316

AN ORDINANCE AMENDING ORDINANCE 3266, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 APPROPRIATING THE SUM OF ~~\$60,717,150~~ \$78,779,475, WHICH SUM INCLUDES ADDITIONAL MONIES RECEIVED BY THE CITY OF COEUR D'ALENE IN THE SUM OF \$18,062,325; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by Goodlander, to pass the first reading of Council Bill No. 07-1039.

DISCUSSION:

Councilman Reid commented that they send you to “school” when you are elected, and you realize how important this is. She asked where you get your trust from – from the “pros”. The city council doesn’t think they are doing anything wrong. They are doing what they think is right for the good of all.

Councilman Hassell stated that the city has a contract with the Kroc Center. Nobody, for the reason of unaffordability, will be turned away. It is part of the mission of the Salvation Army and part of their contract with the city.

Councilman Kennedy stated that one of the things that you learn in “council school” is that everybody has an opinion. Ultimately he needs a compass. The compass as a relatively new council member is that you hire the best people you can and let them do their job. If they prove that they are incompetent, you fire them. He has not had any indications that the staff people that they are relying on are giving him bad information. He has to go with his gut and the advisors that he trusts and respects. He will vote to support the amendment.

Councilman Goodlander stated that she has yet to find herself getting bad advice. She has gotten a lot of advice over the years and has to rely on staff. She thinks our finance people are the finest in the state and knows that Mr. Tymesen is working within the law

in what he does. He would not do it otherwise. She respects council and staff and believes that what we are doing is the right thing.

Councilman Edinger stated that he believes that our finance director is very conservative and will support the motion. He has great confidence in city staff and, to him, the city is going in the right direction and we are doing the right things.

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

Motion by Hassell, seconded by Kennedy, to suspend the rules and to adopt Council Bill No. 07-1039 by its having had one reading by title only.

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

PUBLIC HEARING – O-1-07 – Modification of East Infill Boundary: Mayor Bloem read the rules of order for this legislative public hearing. Dave Yadon, City Planner, gave the staff report. Mr. Yadon stated that the council has been reviewing modifications to the Infill ordinance for awhile. They had a couple of workshops this year and discussed a variety of issues. The East Mullan Homeowners Association came before them with a list of items and concerns regarding the infill regulations. They asked Mark Hinshaw to review the regulations and had a discussion with him and from that discussion came up with a series of issues that council wished to have brought forward to them. One of the things they wanted to do was reduce the boundary of the East Infill District. Mr. Yadon reviewed the current boundaries and the areas proposed for removal. Mr. Yadon stated that notices were mailed and a total of 30 comments were received, with 28 in favor. The Planning Commission recommended approval of this amendment.

PUBLIC COMMENTS:

Kris Hannigan-Luther, 823 Bancroft Avenue, Coeur d'Alene, was in favor of the proposal but did not wish to testify.

Barb Crumpacker, 1015 E. Lakeside, Coeur d'Alene, was in favor of the proposal but did not wish to testify.

Maren Reid, 418 S. 9th Street, Coeur d'Alene, read a letter from her neighbor, Mary Jo Brooks, who resides at 901 Bancroft. Ms. Brooks is concerned about the ability to build 35 foot walls on the property line and asked the Council to vote in favor of the boundary change so that the home that she built 20 years ago will be in a neighborhood that maintains its residential heritage.

Alyson Katz, 823 Young Avenue, Coeur d'Alene, was in favor of the proposal but did not wish to testify.

Todd Butler, 401 S. 18th, Coeur d'Alene, stated that he is an architect here in town. He leans more towards opposed. He has a number of clients that this affects. Mr. Butler stated that he is very familiar with this neighborhood and hasn't seen much change for many years but during the last couple of years after the overly districts has been seeing changes. What concerns him is it is his understanding that years ago the groundwork was laid with committees and developed into the idea of creating these districts. In the past couple of years he has been doing everything he can to work within these guidelines. It seems like the process that took years to get into place is now being turned over in a very short period of time. Perhaps the process needs to be looked at a little bit more in depth rather than a knee jerk reaction and change. He thinks there is still a solution without removing or back tracking everything that has been put into place over the last number of years.

Manny Alevera, 810 Bancroft, Coeur d'Alene, was opposed to the proposal but did not wish to testify.

Gerald Stinson, Bancroft, Lots 3 and 4, Coeur d'Alene, was opposed to the proposal but did not wish to testify.

Marjorie StormoGipson, 310 S. 13th Street, Coeur d'Alene, was in favor of the proposal but did not wish to testify.

Justin StormoGipson, 310 S. 13th Street, Coeur d'Alene, was in favor of the proposal but did not wish to testify.

Ken Snyder, 818 Front, Coeur d'Alene, was in favor of the proposal but did not wish to testify.

Joe Morris, 304 S. 11th Street, Coeur d'Alene, stated that he is a resident of the East Mullan Historical Association, and congratulated the city for having a great year. Those who live in the neighborhood have a right to have a say as to the future of their neighborhood. The City voted to put it on a fast track because they thought it was important. The Planning & Zoning Commission also voted to approve it. The city needs to protect the investment of homeowners. Mark Hinshaw originally did not recommend that this area be included in the infill. He later agreed that it was appropriate to exclude the proposed area. They are only reducing the district by 2 ½ blocks from 15 ½ to 13. Residents of the area were never notified when the area was included in the East Infill District. It is a minor boundary change, consistent with the principals of the Comp Plan.

RECESS: The meeting was recessed for five minutes, at 9:49 p.m., and rejourned at 9:58 p.m.

Denise Lundy, 5816 W. Davenport, Dalton, was opposed to the proposal but did not wish to testify.

Charles Moseley, 771 S. 11th, Coeur d'Alene, was opposed to the proposal but did not wish to testify.

Judy Waring, 927 Bancroft, Coeur d'Alene, read a letter from Julie Van Middlesworth who lives on East Young. No setback requirements adversely affect the aesthetics of her neighborhood. Ms. Waring further stated that higher density housing will increase traffic flow and decrease visibility making traffic less visible.

Philip Waring, 921 Bancroft, Coeur d'Alene, was in favor of the proposal but did not wish to testify.

Barb Reynolds, 806 Bancroft, Coeur d'Alene, stated that they as homeowners were never notified of the zone change. More high density buildings do not equal more low income housing. She believes it is the responsibility of the city council to hear the homeowners associations and to honor their wishes as best they can.

Councilman Edinger asked Mr. Yadon about the notification issue. Mr. Yadon explained that by state law they are not required to have individual notice on a legislative action. In this case the notice was made according to law with newspaper articles, etc. The neighborhood's opinion was that it wasn't sufficient notice. As a result of the complaints received the council is investigating what is adequate notice. A member of the East Mullan Historical Homeowners Association has agreed to serve on the committee.

A.W. Reynolds, 806 Bancroft, Coeur d'Alene, was in favor of the proposal but did not wish to testify.

Lynn Morris, 304 S. 11th, Coeur d'Alene, was in favor of the proposal but did not wish to testify.

Rita Sims – Snyder, 818 Front Avenue, Coeur d'Alene, stated that she is the Vice President of the East Mullan Historic District Neighborhood Association. They have been working on the amendments for the last 11 months. Key points are that those residing in the area affected were not notified. The original recommendation of Mark Hinshaw was to draw the boundary at south of Mullan. It is contrary to the values and the principals of the city's own Comp Plan.

Cathy Evjen, 318 S. 11th Street, Coeur d'Alene was in favor of the proposal but did not wish to testify.

George Evjen, 318 S. 11th Street, Coeur d'Alene, was in favor of the proposal but did not wish to testify.

Sheryl Coyle, 401 S. 12th, Coeur d'Alene, was in favor of the proposal but did not wish to testify.

James Ragsdale, 814 E. Mullan, Coeur d'Alene, read a letter from Gordy Hanigan Luther, who lives at 823 Bancroft. The East Infill District was put in place without notification to those affected. Had they known about the proposed changes he would have been there to voice his opposition. The original recommendation of the consultant was to have boundaries south of Mullan. He wants changes to the area done in character with the current surroundings. Mr. Ragsdale stated that he appreciated the city's willingness to hear them and bring their concerns before them. They are trying to keep the quaintness of their community in place.

Dwight & Ali Bershaw, 901 Front Avenue, Coeur d'Alene, were in favor of the proposal but did not wish to testify.

Tom McColly, 6592 Snowberry Street, Dalton Gardens, stated that Bancroft Street has a lot to offer. Many of the proposed changes by the East Mullan Homeowners Association they agree with, such as setbacks, height limits, etc. He read a letter from Tony Berns, LCDC, sent to Dave Yadon dated June 25, 2007 regarding the intent of the east infill overlay district. Tony Berns thinks we should be careful of overmodifying. Mr. McColly discussed floor area ratio ideas, different requirements for different zones, and design review. He also discussed models used in other cities. Mr. McColly also spoke for Carol Shemansky, Bancroft Betterment Association, and stated that 2/3 of the residences on Bancroft don't want it to be excluded from the "DOE".

Mike Kossarjjar, 414 S. 11th Street, 918 Bancroft, Coeur d'Alene, stated that he owns two lots on Bancroft and is in favor for it to stay in the infill district. He thinks a design change would be important. As far as affordable housing, he doesn't think Sanders Beach offers that anyway. Mr. Kossarjjar stated that by making a decision tonight there are still some people that own properties on Bancroft that still don't know this is going on. The city should at least inform everyone and make sure that everyone on that street that would be directly affected are notified about it.

Rob Sallis, 416 11th Street, Coeur d'Alene, was in favor of the proposal but did not wish to testify.

Seane Mosely, was opposed to the proposal, but did not wish to testify.

Roger Snyder, 319 Park Drive, Coeur d'Alene, stated that he had a petition with signatures and how they stand on the issue. He passed around pictures of Third and Wallace as an example of what people don't want to happen. He lives in the Ft. Grounds area and thanked the city for protecting the Ft. Grounds neighborhood for over 25 years. Neighborhoods in the center of town need protection. Overall great things are happening in the City.

Robert Goetze, 813 Bancroft Avenue, Coeur d'Alene, was in favor of the proposal but did not wish to testify.

Deborah Goetze, 813 Bancroft Avenue, Coeur d'Alene, was in favor of the proposal but did not wish to testify.

Ed & Diana Ring, 1023 Bancroft Avenue, Coeur d'Alene, were in favor of the proposal but did not wish to testify.

Ron Buffett, 218 N. 8th Street, Coeur d'Alene, stated that if you approve this tonight you will open a huge can of worms because you are setting a precedent. He thinks the city needs to go back and review this whole area. He thinks it needs a little tweaking to make it acceptable. Morally, it is terrible that people haven't been notified.

Robert "Obay", 1103 Lakeshore, Coeur d'Alene, opposes changing the boundary. There are a number of lots that are vacant in that area. He is concerned about the precedent that we are setting and thinks it is very arbitrary. The infill was developed in order to take the city into the future. The two projects that have been done are exceptional. You are never going to please everyone but he thinks the infill was designed to promote some quality development. He is objecting to the fast tracking of it. There are things that aren't necessarily worth preserving.

Lynn Morris, 304 S. 11th Street, Coeur d'Alene, stated that this change is extremely endorsed by the neighborhood. It is endorsed by the Planning Commission. She feels that it needs to be decided tonight. The rules that are in place right now do not save the neighborhood.

COUNCIL BILL NO. 07-1038
ORDINANCE NO. 3317

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 17.07.910 BY REPLACING THE MAP OF THE DOWNTOWN OVERLAY DISTRICTS WITH A NEW MAP THAT REDUCES THE BOUNDARIES OF THE DOWNTOWN OVERLAY – EASTSIDE DISTRICT; 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.

Motion by Edinger, seconded by Goodlander, to pass the first reading of Council Bill No. 07-1038.

DISCUSSION:

Councilman Edinger stated that he doesn't believe that it is a transition area. That area has remained same for 15 to 20 years. This is basically an established neighborhood and

Councilman Edinger believes that if we can preserve an old established neighborhood we should do that.

Councilman Kennedy stated that it is a neighborhood protection issue to him. He will vote in favor.

Councilman Hassell stated that he has always disliked the word “transition” from the Comp Plan. It doesn’t mean that it needs to be forced. He thinks boundaries were extended a little too far when it was written and it was not an area in transition. By putting the boundaries where they were originally established, it did force that transition.

Councilman Goodlander stated that when this was originally done they had the best intentions and tried to do the right thing. She concurred that council needs to listen to the neighbors but suggested council be cautious in backtracking.

Councilman Reid encouraged staff and council to incorporate some of the ideas that came forward today from Mr. McColly, i.e., a design review committee and setting up different setback rules for the different zones.

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

Motion by Kennedy, seconded by Reid, to suspend the rules and to adopt Council Bill No. 07-1038 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.

Councilman Reid thanked everyone for coming tonight and commented that it makes the job worthwhile. She apologized for them having to listen to people who don’t pay taxes. She further stated that it is an election year and those people are trying to get people elected to council. She further commented that they left when the infill district issue came before council. They were only interested in being a party to discrediting staff and city council. She further commented that council candidate John Bruning stayed for the entire meeting and candidates Dan Gookin, Susan Snedaker, and Jerry Walker walked out.

EXECUTIVE SESSION: Motion by Reid, seconded by Hassell, 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.

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

The Council entered into Executive Session at 11:06 p.m. Those present were the Mayor, City Council, City Administrator, and City Attorney. Matters discussed were those of personnel issues.

No action was taken and the Council returned to regular session at 11:20 p.m.

ADJOURNMENT: Motion by Kennedy, seconded by Goodlander, that there being no further business, this meeting adjourn. Motion carried.

The meeting adjourned at 11:20 p.m.

Sandi Bloem, Mayor

ATTEST:

Amy C. Ferguson, Deputy City Clerk