

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
OCTOBER 2, 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 October 2, 2007 at 6:00 p.m., there being present upon roll call the following members:

Loren Ron Edinger, Mayor Pro Tem

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

CALL TO ORDER: The meeting was called to order by Mayor Pro Tem Edinger.

INVOCATION was led by Doug Eastwood, Parks Director.

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

PROCLAMATION – OUTSTANDING CITIZEN AWARD: Doug Eastwood, Parks Director, presented an award given by the Idaho Recreation and Parks Association to the Lake City Development Corporation for their outstanding contributions to the Coeur d'Alene Parks system. Lake City Development Corporation Executive Director, Tony Berns, accepted the award. Councilman Reid added that if it were not for the partnership of LCDC, the City's new Library and the Kroc Center would not be a reality for our community today. Mayor Pro Tem Edinger extended their thanks and appreciation to the LCDC board for their contributions.

PUBLIC COMMENTS:

BREAST CANCER AWARENESS MONTH: Susan Snedaker, 821 Hastings, announced that this is Breast Cancer Awareness month. She distributed pink ribbons to the Council as a reminder of the benefits of annual mammograms.

COUNCIL MINUTES: Meredith Bryant, 1988 E. Gunther Ave., referred to the minutes of September 18th on page 16, and requested that the comments from Councilman Reid be removed from the minutes as she feels it is not appropriate.

GLOBAL WARMING: Bill Irving, 3132 N. Julia St. addressed his concerns about the world's global warming and in particular its effect in North Idaho. He asked that City Council attend a conference in Sandpoint at City Hall this Thursday from 6 p.m. to 8 p.m.

for the National Conversation on Climate Action. He requested that the Council accept a proclamation regulating certain emissions into our environment. He also asked that the Council accept a presentation on climate change that he and someone else could present.

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

1. Approval of minutes for September 18, 2007.
2. Setting the Public Works Committee and General Services Committee meetings for October 8, 2007 at 4:00 p.m.
3. RESOLUTION 07-061: 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 PANHANDLE AREA COUNCIL (PAC) FOR GRANT ADMINISTRATIVE SERVICES FOR THE RAMSEY ROAD / GOLF COURSE ROAD INTERSECTION SIGNALIZATION; APPROVAL OF AN AGREEMENT WITH PANHANDLE AREA COUNCIL (PAC) FOR GRANT ADMINISTRATIVE SERVICES FOR THE SAFE ROUTES TO SCHOOL (SR2S) PROJECT; APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE IDAHO DEPARTMENT OF LANDS (IDL); APPROVAL OF AMENDMENTS TO THE EMPLOYEE BENEFIT PLAN AND RENEWAL RATES; ACCEPTANCE OF RIGHT-OF-WAY DEDICATION ON FRUITLAND LANE; APPROVAL OF S-13-06 REVISED SUBDIVISION IMPROVEMENTS AGREEMENT AND PARTIAL ACCEPTANCE OF CERTAIN INSTALLED PUBLIC IMPROVEMENTS WITH A MAINTENANCE / WARRANTY AGREEMENT FOR RIVERSTONE PLAZA AND AUTHORIZING THE DESTRUCTION / TRANSFER OF CERTAIN PUBLIC RECORDS TO THE STATE ARCHIVES.
4. Setting of Public Hearing for ICDB Grant for Improvements to Ramsey Road and Golf Course Road for December 4, 2007.
5. SS-14-07 - Final Plat Approval for Village II Condos, 3rd Addition
6. RESOLUTION 07-063: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY IDAHO, AUTHORIZING AN EMPLOYEE CONSULTING SERVICES CONTRACT WITH WENDY CARPENTER AND TIM TROUT, WIFE AND HUSBAND.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN GOODLANDER: The new Library has had record setting attendance since its grand opening. This past Sunday 1,000 patrons visited the Library. She commended the Library staff for the smooth operation of the Library.

COUNCILMAN HASSELL: Recognized the Northland Nursery who has donated to the Parks Dept. 150 shrubs and trees valued at over \$4,000 for North Pines Park and other areas. There were over 180 volunteer hours from neighbors who planted the trees at North Pines Park, along 15th Street and Tubbs Hill.

COUNCILMAN EDINGER: Announced that this Saturday beginning at 9 a.m. the Tubbs Hill Foundation will do their annual Clean Up on Tubbs Hill. Councilman Hassell added that Starbucks donates a \$10 coffee card to each person who participates in this clean up.

COUNCILMAN GOODLANDER: Announced that the annual Mayor's Awards in the Arts will be held at Brix on Thursday Oct. 11th at 6 p.m.

APPOINTMENT - CHILDCARE COMMISSION: Motion by Goodlander, seconded by Kennedy to accept the appointment of Jon Spranget to the Childcare Commission. Motion carried.

MUDGY AND MILLIE ARTWORK: Councilman Goodlander recapped the story of Mudgy the Moose and Millie the Mouse who were playing hide and seek. Mudgy travels to various places throughout the City looking for Millie who was hiding in Mudgy's antlers all the while. Parks Director Doug Eastwood presented an overview of the story's route throughout the downtown area. Mr. Eastwood noted that Susan Nipp is the author, Charles Reasoner is the book's illustrator and Terry Lee is the artist who will create the statues of Mudgy and Millie. It is hoped that the project will be in place by next Spring. Proceeds from the book will go to the Library Foundation. Judy Messina, representing the Cd'A Public Library Foundation, noted that the Foundation will sponsor this project and coordinate the fundraising of private donations for the funding of this project. Councilman Goodlander noted that Terry Lee is her brother but that she will receive no monetary value for the Mudgy project. Motion by Goodlander, seconded by Hassell to adopt the locations for the artwork as identified on the route map. Motion carried.

RESOLUTION 07-062

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A STATE AND LOCAL AGREEMENT FOR THE SAFE ROUTES TO SCHOOL (SR2S) PROJECT NO. A010(983), WITH THE IDAHO TRANSPORTATION DEPARTMENT.

Motion by Reid, seconded by Kennedy to adopt Resolution 07-062.

DISCUSSION: Councilman Reid noted that this grant provides \$100,000 in funding to place sidewalks from Lakes Middle School to Cherry Hill Park.

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

ORDINANCE NO. 3318
COUNCIL BILL NO. 07-1040

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING SECTIONS 1.16.030, 1.16.050, 1.16.120, 1.16.150 AND 1.16.170 AND ADDING NEW SECTIONS 1.16.030, 1.16.050, 1.16.120, 1.16.150 AND 1.16.170 TO UPDATE THE BOUNDARIES OF THE VOTING PRECINCTS; 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 Hassell seconded by Goodlander to pass the first reading of Council Bill No. 07-1040.

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

Motion by Hassell, seconded by Reid to suspend the rules and to adopt Council Bill No. 07-1040 by its having had one reading by title only.

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

PUBLIC HEARING - ZC-11-07 - ZONE CHANGE AT 304 AND 306 W.

HAYCRAFT: Mayor Pro Tem Edinger read the rules of order for this public hearing. No conflict of interest was declared by any Council member. John Stamos, Associate Planner, gave the staff report.

Mr. Stamos gave the applicant's name as Michael and Linda Gunderson, the request as a zone change from R-12 to C-17L and the location as 304 and 306 Haycraft Avenue.

Mr. Stamos went on to give the staff analyses for land use and zoning, Comprehensive Plan, public facilities and utilities, and traffic. He noted that on August 28, 2007 the Planning Commission approved the recommended zone change request by a vote of 3-0 with the following conditions:

1. Dedicate five feet (5') of right-of-way along the Haycraft Avenue frontage prior to the final approval of the zone change.
2. Prohibit access to Carriage Court.
3. Provide site-specific lighting.

4. Meet the buffering requirements on the north property line which are a minimum 10-foot wide planting strip containing evergreen trees (trees to be at least 15 feet tall at time of planting and no more than 24 feet apart).

On September 14, 2007 a total of 47 notices for tonight's public hearing were mailed with 6 responses being received: 4 opposed and 2 neutral.

PUBLIC COMMENTS:

John Corcoran, 1356 Silver Beach Road, Coeur d'Alene, spoke as applicant and noted that they have agreed to the recommended buffering requirement and they are also willing to not have any access off of Carriage Court with their only ingress and egress on Haycraft Avenue.

James Raftery, 2841 N. Carriage Court, spoke as primary opponent, and presented a copy of the petition signed by the residents of Carriage Court. The residents believe that the additional traffic will increase the noise level in Carriage Court and the zone change would eliminate the two existing homes on the subject property that could be affordable housing. He believes that the C-17L zoning permitted uses are too varied to be placed next to a residential zone.

Mr. Raftery also commented that the Dead End sign is located half-way down the street on Carriage Court instead of that the corner of Haycraft and Carriage Court. Council questioned why the sign is placed half-way down the block.

Mr. Corcoran commented that at this time they have no specific plans for this site.

Councilman Reid noted that if the zone change is made any of the permitted uses could be placed on this property.

MOTION: Motion by Reid, seconded by Goodlander to deny the requested zone change from R-12 to C-17L at 304 and 306 W. Haycraft.

DISCUSSION: Associate Planner John Stamosos noted that the Council could approve a lesser zoning such as Neighborhood Commercial that would further limit the type of activities that would be allowed on the property. Councilman Reid noted that the reason she made the motion was because of the permitted uses in the C-17L zoning. Councilman Goodlander believes that the proposed zone change is not the best zoning for this area and there must be better buffering and protection of residential areas, in particular noise and potential uses in C-17L zoning districts. Councilman Kennedy asked why the Council would go against the Planning Commission's recommendation to approve the requested zone change. Councilman Reid responded that the Council does not always agree with the Planning Commission's recommendation. Councilman Hassell responded that sometimes the highest and best use is in conflict with surrounding neighborhoods. He also noted that a 5-foot fence is not adequate as a buffer between residential and commercial zoning areas.

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

MOTION: Motion by Reid, seconded by Goodlander to adopt the Findings and Order as presented by Councilman Reid. ROLL CALL: Kennedy, Aye; Hassell, Aye; Reid, Aye; Edinger, Aye; Goodlander, Aye. Motion carried.

RECESS: Mayor Pro Tem Edinger called for a recess at 7:55 p.m. The meeting reconvened at 8:03 p.m.

PUBLIC HEARING - ZC-12-07 - ZONE CHANGE AT 1036 N. 15TH STREET: Mayor Pro Tem Edinger read the rules of order for this public hearing. No conflict of interest was declared by any Council member. Associate Planner John Stamsos gave the staff report.

Mr. Stamsos gave the applicant's name as Puran Singh, the request as a zone change from R-12 to Neighborhood Commercial and the location as 1036. N. 15th Street.

He went on to give the staff analyses for zoning, Comprehensive Plan, utilities and traffic. He noted that on August 28, 2007 the Planning Commission approved the requested zone change. He noted that the existing property contains Jordan's Store that has been in existence prior to the zoning ordinances being created in 1946. This use is currently grandfathered into the existing residential zone.

On September 14, 2007, 67 notices of tonight's public hearing were mailed with a total 8 responses being received - 5 in favor, 1 opposed, 2 neutral.

PUBLIC COMMENTS:

John Corcoran, 1356 Silver Beach Road, explained that the reason for the request is to protect the existing business in that it currently is grandfathered in and if it burned down, the owner could not rebuild the store, Thus, by rezoning it Neighborhood Commercial the existing business is protected.

MOTION: Motion by Hassell, seconded by Reid to approve the requested zone change from R-12 to Neighborhood Commercial at 1036 N. 15th Street and to adopt the Findings and Order of the Planning Commission. ROLL CALL: Hassell, Aye; Reid, Aye; Edinger, Aye; Goodlander, Aye; Kennedy, Aye. Motion carried.

PUBLIC HEARING - ZC-13-07 - ZONE CHANGE AT 1003 N. 15TH STREET: Mayor Pro Tem Edinger read the rules of order for this public hearing. No conflict of interest was declared by any Council member. John Stamsos, Senior Planner, gave the staff report.

Mr. Stamsos gave the applicant's name as Singh and Singh Partnership, the request as a zone change from R-12 to Neighborhood Commercial and the location as 1003 N. 15th Street.

He went on to give the staff analyses for zoning, Comprehensive Plan, utilities and traffic. He noted that on August 28, 2007 the Planning Commission approved the requested zone change.

On September 14, 2007, 61 notices of tonight's public hearing were mailed with a total 6 responses being received - 4 in favor, 0 opposed, 2 neutral. Written comments were distributed for Council review.

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

MOTION: Motion by Goodlander, seconded by Hassell to approve the requested zone change from R-12 to Neighborhood Commercial at 1003 N. 15th Street and to adopt the Findings and Order of the Planning Commission. **ROLL CALL:** Hassell, Aye; Reid, Aye; Edinger, Aye; Goodlander, Aye; Kennedy, Aye. Motion carried.

EXECUTIVE SESSION: Motion by Reid, seconded by Kennedy to enter into Executive Session as provided by I.C. 67-2345 Subsection F: To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated.

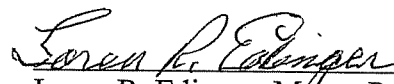
ROLL CALL: Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye. Motion carried

The Council entered into Executive Session at 8:20 p.m. Members present were the Mayor Pro Tem, City Council, City Administrator, Deputy City Administrator, and City Attorney.

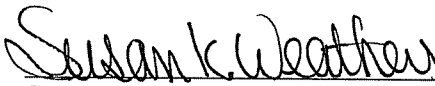
Matters discussed were those of litigation. No action was taken and the Council returned to regular session at 8:32 p.m.

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

The meeting adjourned at 8:32 p.m.


Loren R. Edinger, Mayor Pro Tem

ATTEST:


Susan K. Weathers, CMC, City Clerk