

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
DECEMBER 4, 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 December 4, 2007 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bleom Mayor

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

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

INVOCATION: The invocation was led by Doug Eastwood.

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

PRESENTATION - STUDENT ATHLETE RECOGNITION: School Superintendent Harry Amend introduced the three coaches from the three teams who had 100% participation in the random drug testing program at the two high schools. He also expressed his appreciation for the efforts of Steve Walsh and Character Council as well as the Enough is Enough Committee for all their work with our area youth. Head Coach Carly Curtis introduced the coaches.

Coach Shelli Ashby announced that the participants from the Coeur d'Alene High School Junior Varsity Volleyball team are: Tessa Reyes, Amanda Studor, Faith Hazard, Miranda Todd, Kelsey Griffin, Shae Carson, Chelsea Martin, Nicole DeMarco, Sydney Sharp, Joy Day, Taylor Stewart, Dayna Drager and Ellie Matz.

From the Coeur d'Alene High School Junior Varsity II Volleyball, Coach Sara Chiappe introduced the following students who participated in voluntary drug testing: GG Templeman, Kylie Gould, Mandi Iverson, Corin Schlim, Courtney Richardson, Emma Surby, Samantha Mannon, Jade Mikkelson, Kayla White, Marissa Levi, Sarah Pennington, and Taya Hawks.

Coach Amanda Hooker, representing the Coeur d'Alene High School Freshman Volleyball team, announced that the following students participated in the drug testing program: Brittany Bowen, Robyn Zortman, Kaylee Cruse, Erika LaTorre, Jordan Mee,

Megean Altman, Laurel Gardner, Carly Rosenthal, Bailey Altman, Sara Griffin, Kassie Russell and Emily Wise.

Councilman Reid complimented the students for the great example they are setting for younger students. She also expressed her appreciation to Steve Walsh and the Character Council for their participation in this program.

PRESENTATION - PARKS WATER CONSERVATION PROGRAM: Parks Director Doug Eastwood introduced new employee Derek Kosanke, Irrigation Tech, who has a degree in landscape technology. Mr. Eastwood then presented a video which highlights the Water Conservation Program undertaken by the Parks Department as a means of conserving water consumption, manpower and electricity in our City Parks. Councilman McEvers asked about the water savings. Mr. Eastwood responded that currently the Parks Department is the largest consumer of water in the City; however, by adding this new water conservation program to all parks, he estimates a 30% savings.

PUBLIC COMMENTS:

HUD FUNDING ADMINISTRATIVE SERVICES: Meredith Bryant, 1988 E. Gunther Avenue, announced that she had met with Renata McLeod and Troy Tymesen regarding her concerns and objections for the contract with Panhandle Area Council for administering the HUD funds. She believes that the City did not act in good faith in awarding this contract to Panhandle Area Council versus awarding the contract to her.

CONFLICT OF INTEREST CLAIM: Dennis Hinrichsen, 946 E. Spruce, commented that there is a violation of public trust involving LCDC in that Dixie Reid, being a member of both the City Council and the LCDC Board, received compensation from a developer, Victory Homes, which company received \$3.4 million in funding from LCDC. He requested immediate removal of Councilman Reid from the City Council. Mayor Bloem asked Councilman Reid while working for Victory Homes had she ever voted on LCDC. Councilman Reid responded that she has been employed by Victory Homes, no contract has ever existed. She has never been employed by Neighborhood, Inc. who received LCDC funding. Councilman Edinger asked how many Council meetings does Councilman Reid have remaining and when does her term in office end. Councilman Reid responded she has 1-1/2 Council meetings left with her last meeting being January 2nd.

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

1. Approval of minutes for November 20, 2007.
2. Setting the Public Works Committee and General Services Committee meetings for Monday, December 10th at 4:00 p.m.
3. RESOLUTION 07-071: 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 AUTHORIZING THE LEGAL

DEPARTMENT'S DESTRUCTION OF CERTAIN TEMPORARY RECORDS;
APPROVAL OF AMENDMENT 2 TO THE IAFF LOCAL 710 LABOR
CONTRACT – AMENDING MINIMUM STAFFING REQUIREMENTS;
APPROVAL OF S-3-06 FINAL PLAT APPROVAL WITH SUBDIVISION
IMPROVEMENT AGREEMENT FOR HAWK'S NEST 1ST ADDITION;
APPROVAL OF A MEMORANDUM OF UNDERSTANDING &
ENFORCEMENT AUTHORIZATION WITH THE KOOTENAI COUNTY
SHERIFF'S DEPARTMENT AND APPROVAL OF A CONTRACT RENEWAL
WITH THE DOWNTOWN ASSOCIATION

4. Bid Award - Recreation Department Van
5. Bid Awards - Parks Department 1-1/2 ton flat bed truck and a 1/2 ton extended cab pickup.
6. Authorizing Paul McGraw, civilian volunteer, to mark, tag and tow abandoned vehicles.
7. SS-19-07 - Final plat approval for The Sanctuary on Eighth.
8. SS-12-07 - Final plat approval for The 505 Flat Condominiums.
9. Setting of public hearing for the appeal of SUP for Tubbs Hill Water Booster Facility for January 15, 2008.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN EDINGER: Councilman Edinger commended the Downtown Association for the parade and the Hagadone Corporation for the fireworks display on the Friday after Thanksgiving. He also commended KXLY and the Good Morning America show for coverage of the ceremony and fireworks.

COUNCILMAN GOODLANDER: Councilman Goodlander announced Janet Launhardt is working with the Library and the Arts Commission for displaying artwork in the new Library. Starting mid-December, the art display will be the story of the fire of 1910.

COUNCILMAN KENNEDY: Councilman Kennedy announced that the Kootenai Perspectives subcommittee for Affordable Housing met again yesterday. Their first action was the creation of an oversight Board and the second action was a funding program.

ADMINISTRATOR'S REPORT: The Mayor will be presenting her State of the City Address at the Chamber of Commerce Upbeat Breakfast next Tuesday, the 11th, at 7:00 a.m., at the Coeur d'Alene Resort. The city will be hosting two Design Review Commission workshops on December 13th - one at Noon, and one at 6:00 p.m. During each of these workshops, the Design Review Commissioners, Urban Design consultant Mark Hinshaw, and city staff will provide an overview of the proposed City Council endorsed concept of an expanded design review process for certain projects in the Downtown Core Zoning district, and the East, North, and Midtown Infill Overlay

Districts, and amendments to existing Downtown Design Regulations. The public is invited to an Open House for outgoing City Councilman Dixie Reid on Monday, December 17th, from 12:00 noon to 3:00 p.m. in the City Hall Council Chambers. On behalf of the Mayor and Council, I would like to extend a special thanks to the city Police and Fire Departments for their excellent support of the recent Good Morning America event. Special thanks, also, to the Fire Department for last week's successful Food Drive and Pictures with Santa. We had approximately 80 families show up and collected approximately 800 pounds of food. Specialized Needs Recreation will hold its 6th Annual Christmas Dinner Party and Fundraiser this Saturday, December 8th, from 12:00 noon to 3:00 p.m. at the First Presbyterian Church at 521 Lakeside Avenue. We are currently accepting applications for: GIS Coordinator – initial application deadline is December 14th, open until filled; Police Officer – application deadline is March 7th for an April 7th testing date. The following positions will remain open until filled: Deputy Engineering Services Director, Engineering Services Project Designer.

RESOLUTION 07-072

A RESOLUTION OF THE CITY OF COEUR D'ALENE, IDAHO, DECLARING THAT AN EMERGENCY EXISTS AND THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE IMMEDIATE EXPENDITURE OF PUBLIC MONEY TO REPLACE THE COVER ON DIGESTER #2 AT THE WASTEWATER TREATMENT PLANT IN ORDER TO SAFEGUARD LIFE, HEALTH AND PROPERTY AND AUTHORIZING THE EXPENDITURE OF PUBLIC FUNDS WITHOUT COMPLIANCE WITH FORMAL BIDDING PROCEDURES.

Motion by Reid, seconded by Goodlander to adopt Resolution 07-072.

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

RESOLUTION 07-076

A RESOLUTION OF THE CITY OF COEUR D'ALENE, IDAHO AUTHORIZING AN AGREEMENT WITH WESTECH ENGINEERING, INC. FOR THE DIGESTER NO. 2 COVER REPLACEMENT OWNER PREPURCHASE.

Motion by Reid, seconded by Edinger to adopt Resolution 07-076.

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

RESOLUTION 07-074

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED AGREEMENTS FOR

PROFESSIONAL SERVICES WITH HDR ENGINEERING, INC.

Motion by Reid, seconded by Hassell to adopt Resolution 07-074.

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

RESOLUTION 07-073

A RESOLUTION OF THE CITY OF COEUR D'ALENE, IDAHO, AUTHORIZING A SOLE SOURCE PROCUREMENT OF AN ENTEX INTEGRATED FIXED FILM ACTIVATED SLUDGE (IFAS) SYSTEM FOR TESTING IN THE WASTEWATER TREATMENT PLANT TO DETERMINE THE SYSTEMS ABILITY TO MEET AMMONIA REMOVAL STANDARDS CONTAINED IN THE CITY'S DISCHARGE PERMIT AND AUTHORIZING THE CITY CLERK TO PUBLISH THE NOTICE OF A SOLE SOURCE PROCUREMENT REQUIRED BY IDAO CODE 67-2808.

Motion by Reid, seconded by McEvers to adopt Resolution 07-073.

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

EVERGREEN DRIVE TRAFFIC CONCERNS: Councilman Reid noted that traffic signs will be placed at the end of each island as well as the Police Department will place the speed monitor in this area.

COUNCIL BILL NO. 07-1045
ORDINANCE NO. 3324

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF RIGHT-OF-WAY OF SELTICE WAY, GENERALLY DESCRIBED AS A THIRTY FOOT (30') BY FIVE HUNDRED THIRTY FIVE FOOT (535') PORTION OF THE SOUTHWEST QUARTER OF SECTION 3 ADJOINING THE SOUTHERLY BOUNDARY OF THE COEUR D'ALENE HONDA AUTO DEALERSHIP IN COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; 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 Edinger, seconded by Goodlander to pass the first reading of Council Bill No. 07-1045.

ROLL CALL: McEvers, Aye; Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, No. Motion carried.

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 07-1045 by its having had one reading by Council only.

ROLL CALL: McEvers, Aye; Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, No. Motion carried.

RESOLUTION 07-069

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A LETTER OF AGREEMENT FOR GRANT ADMINISTRATION SERVICES FOR HUD FUNDS, WITH PANHANDLE AREA COUNCIL.

STAFF REPORT: Finance Director Troy Tymesen reported that over the past two weeks a legal review has been undertaken regarding the process to date in contracting the administration services of the HUD funds. He noted that the City has been in contact with the Director of HUD Services in Portland, Oregon, who reported that a contract under \$100,000 exempts them from the formal bid process. Mr. Tymesen then reviewed the process undertaken by the City in receiving proposals for the administration contract. In conclusion, staff recommends that the City move forward with awarding this contract to Panhandle Area Council so staff and the consultant can attend HUD training on December 10th.

Councilman Kennedy noted that the City also communicated with Community Frameworks and wanted to know why they did not submit a proposal. Troy Tymesen responded that he did not know why.

Meredith Bryant stated that she feels it was unfair in that the Panhandle Area Council had called Renata with questions although she did not. She feels it was unfair in that the City did not provide her with the same information that the City provided Panhandle Area Council (PAC) in response to PACs questions. She believes that her \$48,000 amount was a fair amount for what she offered compared to the \$30,000 amount offer by Panhandle Area Council. Councilman Kennedy noted that she had stated that the Panhandle Area Council contract would not be a good value for the public. Meredith Bryant responded that it is a good value for the dollars, but she wants to make sure the City "does it right" the first time. She believes that she has a great rapport with HUD and when she left San Diego, California she had two letters from HUD. In conclusion she believes that as a former city employee in San Diego that she is more qualified to administer the HUD funds than Panhandle Area Council.

Councilman Kennedy asked how well does the City do in the procurement process. Troy Tymesen noted that for professional services there is no procurement requirement; however, with such purchases as vehicles the City does follow the Idaho Code requirements. He did note that with Panhandle Area Council we will also have the support of BBC in preparing the required documents in order for the City to obtain the HUD funds.

Councilman Kennedy asked, what are the implications of tabling this matter again for

HUD dollars? Mr. Tymesen responded that the City would not have time to sign up another individual for the HUD training beginning December 10th.

MOTION: Motion by McEvers, seconded by Hassell to adopt Resolution 07-069.

COUNCIL DISCUSSION: Councilman Kennedy commented that he has been deeply involved in the affordable housing issues this past year. He believes that the City got a considerable amount of criticism just before last month's election for not doing enough for affordable housing and now we have people criticizing us for not waiting.

Councilman Hassell commented that the City has dealt with Panhandle Area Council on numerous block grants and although this is new funding, he believes that PAC can get up to speed quickly in this training and has no concerns about going with PAC.

Councilman Edinger agrees with Councilman Hassell in that over the years the City has worked with PAC on many projects and he has great faith in staff and commented that Heidi Aggeler from BBC has done a great job to date on obtaining HUD funding.

Councilman Kennedy asked Troy Tymesen regarding the terms of this contract, in two years can we go out to bid on this contract to give other people an opportunity to be involved. Mr. Tymesen responded that the City could do that. Councilman Kennedy added that he has great faith in PAC but wanted to know if we are getting too insular in repeatedly going with PAC who we are familiar with. Councilman Reid commented that that is a possibility, but as a public official they are part time and rely heavily on staff and Council's direction to staff is that we want to do the very best for our citizens. So, if staff has done the best they can do, then Council will have to go on faith in their decision making.

Councilman McEvers commented that if we are struggling with this initial contract in order to get the HUD funding, what is it going to be like when we receive HUD funding.

Mayor Bloem noted that we have awarded a lot of major contracts over the past year to a variety of contractors, several of which the City has not contracted with before, and she doesn't see it as an issue in awarding the contract to PAC vs. Meredith Bryant.

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

RECESS: Mayor Bloem called for a recess at 7:50 p.m. The meeting returned to order at 7:55 p.m.

PUBLIC HEARING - NUISANCE ABATEMENT AT 2719 N. 15TH STREET:

Mayor Bloem read the rules of order for this quasi-judicial public hearing. Councilman Kennedy announced because the owner of the subject property is also the owner of a company which is in direct competition with the company he works for, and while there

is no financial issue in the matter at hand, he recused himself from this public hearing to avoid the potential appearance of unfairness. Having been previously sworn in, Deputy City Attorney Wes Somerton gave the staff report.

Mr. Somerton reported that the Code Enforcement officers have received numerous complaints regarding the condition of the property at 2719 N. 15th Street owned by Michael J. Barnes. Count II refers to noxious weeds and tall grasses; however due to the season this issue has been taken care of. Count IV, the parking of a vehicle and debris on public right of way has been removed and so Mr. Somerton requested that Counts II and IV be removed from this hearing.

Mr. Somerton reported that the Code Enforcement Officer has conducted site visits, made telephone calls and sent letters addressing the concerns about the existing conditions of the property and how to cure the alleged nuisances. Mr. Barnes was given until October 10, 2007 to rectify these code violations; however, to date Mr. Barnes has failed to cure the nuisances that have been identified to him. The alleged nuisances consist of the unreasonable accumulation of refuse, garbage, trash.

Councilman Reid noted that generally the City does not get involved in these types of situations unless the City has received complaints. Mr. Somerton added that the City has received several complaints on this property. Councilman McEvers noted that most of this "stuff" is on private property. Mr. Somerton noted that, as provided in the Constitution of the State of Idaho, the City has the authority to abate nuisances.

Councilman McEvers noted that the property owner had put up a sight-obscuring fence so does that not take care of the problem. Mr. Somerton responded that it depends on how much of the nuisance has been obscured. Councilman Reid asked about the potential of rodent problems on this property. Mr. Somerton responded that a rodent problem has not been reported at this site. Councilman Reid asked with the number of abandoned vehicles if there was an oil spillage problem or other hazardous waste issue. Mr. Somerton responded that oils or hazardous waste has not been identified as an issue.

PUBLIC COMMENTS: Michael Barnes, 2719 N. 15th Street, questioned the need for him to be sworn in prior to giving testimony. He commented that Idaho State law Section 1-104 states that matters (such as tonight's issue) shall be filed in the District Court and any provisions to the contract shall be null and void and to no effect and wanted to know how that works. Mr. Somerton responded that the State code referred to by Mr. Barnes did away with certain court systems, but since the City has a constitutional authority to abate nuisances and as a result shall process this as a legal action. Mr. Barnes responded that he also believes that the City does not have the right to adjudicate as they are a legislative body. Because of the separation of powers a legislative body cannot adjudicate or take on such powers and does not see how the City Council can sit in judgment of his issue. Mr. Somerton responded that the relevancy is the fact that the State Constitution and State statutes give the Council the authority to abate nuisances.

Mr. Barnes continued in reference to the photos shown and the complaint that these were

to indicate that the violations are clearly viewed from a public right-of-way and since his fence is 6-feet tall he cannot believe that these photos could be viewed by the average height person. Therefore, he believes that the charges do not exist. He also noted that the fence that had previously been seen laying on the truck and trailer located in the street are actually gates that can be moved on wheels. The other issue is the accumulation of trash, and in particular winter tires. He could not find a definition of trash that included tires. As for the plywood, there is no definition that included building materials except for materials from construction. As for the reference to sheet metal, he stated that he does not have any. Plastic tubing - he stated that there is no definition that includes plastic tubing. Chip board – he noted that he had a piece of board down to keep the dog from getting out. As for the vehicles, they are his hobby and he will get back to working on them when his children are older. He stated that concrete blocks are not a waste product and are not visible from the street. He does not believe that metal pipes are a waste product. The miscellaneous metal, wood or plastic items in the yard – he believes that everyone has those. In regard to vehicles and the storage of five abandoned vehicles, he noted that they have all been drained of their fuel and other fluids. He stated that in regard to his vehicles City Code 8.28.030 provides for an exception for a vehicle that is housed within a building or not visible from public roadway or neighboring property. In regard to his boat he feels he is being singled out in that his neighbors have boats stored on their property. He presented photos of other neighbors that have boats, vehicles and motor homes on their property. He believes that he is being singled out and although he has asked repeatedly to know who filed the complaints all he was told was it was his neighbors. He believes that his neighbors' properties are in worse condition than his. His hobbies include building antennas and he has several pieces of used equipment in his front yard that he will use in the future. In conclusion he believes that the code states that it must be clearly viewed from the roadway.

Councilman Edinger noted that he can see through his fence and he believes that with all this debris in the yard and that it could be a danger to his children. He also noted that there is debris from his property that has blown into the roadway. Additionally, he believes the junk and debris that he has accumulated in his yard is a nuisance to his neighbors and to his children.

Councilman McEvers believes that Mr. Barnes perception' is that his “stuff” does not fit into the words of the code. However, he believes that his place is a mess. The last thing he doesn't want to do is have someone come in and take away his “stuff”. He urged Mr. Barnes to put up a truly sight-obscuring fence so the neighbors don't have to see his “stuff”.

Councilman Edinger commented that he has been by his property several times and although he may have tried to put up a fence you can see through the fence. He said that he reported the complaints he received from the neighbors to the Code Enforcement Officer. He believes that he needs to clean up the yard.

Councilman Hassell noted that he too has driven by his house, and he can see through the fence and that almost all of the open space is covered with an accumulation of items and

vehicles which he believes is devaluing the neighborhood. Additionally, when the fencing is left open, it is an attractive nuisance for children.

Mr. Barnes noted that the truck that had leaked oil was a result of an engine fire before he had towed it to his property.

Mayor Bloem noted that she, too, has been by this property numerous times and the gate is almost always open, she can see through the fence as you drive down 15th. She noted that although his neighbor has a dryer in their yard, they do not have the accumulation of debris and that he has accumulated so much debris that it is a nuisance. In conclusion she believes that what he is calling a fence it is not a fence because it can fall over any time and her belief is that he needs to clean up his yard.

Councilman Hassell believes that he needs to clean it up. He believes that if Mr. Barnes has anything he wants to maintain on his property he needs to place it in his garage or move it to another location. In its current site he believes that this is a junk yard.

COUNCIL FINDINGS:

PROPOSED FINDINGS OF FACT: Councilman Reid presented the following Findings:

General Findings:

The Administrative Complaint 2007-10-001 was filed on November 7, 2007;

The Administrative Complaint and Summons were mailed to Michael Barnes on November 7, 2007;

The Administrative Complaint and Summons was personally served on Michael Barnes on November 14, 2007;

The location of the alleged violations is 2719 N. 15th Street, Coeur d'Alene, Kootenai County, Idaho;

The property consists of a residential dwelling and yard;

The property is zoned R-12;

According to the records of the Kootenai County Assessor the property at 2719 N. 15th Street, Coeur d'Alene, Kootenai County, Idaho is owned by Michael Barnes;

The public hearing on the Administrative Complaint was held on December 4, 2007;

Michael Barnes was present, and he did present evidence to the City Council. No other persons presented public testimony.

There were no other persons presenting testimony on December 4, 2007:

We make the following specific findings of facts for each count of the Administrative Complaint as follows:

COUNT I

We find the following facts:

There was an unreasonable accumulation and/or storage of bulky waste, trash, garbage, rubbish, waste matter, solid waste, refuse at 2719 N. 15th Street;

The accumulation and/or storage of materials listed above consisted of:
5 old cars and debris including shredded tarps, plants growing out of the cars, and other debris that covers the entire open space of the property including testimony from Mr. Barnes that one vehicle did not have a transmission in it.

The accumulation and/or storage occurred on private property to-wit: 2719 N. 15th Street

The accumulation was clearly visible from the public right-of-way
Gilbert Avenue and/or 15th Street although an attempt was made to put up a slatted fence.

The accumulation was clearly viewed from neighboring properties;

The owner of 2719 N. 15th Street was notified of the alleged violation;

The owner of 2719 N. 15th Street, Michael Barnes was advised how to cure the violation in that several Councilman noted that his yard needed to be cleaned up;

PROPOSED CONCLUSION OF LAW

We conclude that the foregoing findings of fact do constitute a nuisance and a violation of Coeur d'Alene Municipal Code 8.04.010 -.100.

COUNT II (Removed from Hearing)

COUNT III

We find the following facts:

There are dismantled, or inoperable vehicles on private property at 2719 N. 15th Street;
The inoperable vehicles are visible from the street or private property;

The 1983 GMC truck has not been licensed since March 2007;
The 1993 Ford Escort has not been licensed since June 2006;
The 1988 Isuzu Trooper has not been licensed since July 2006;

Two other vehicles have unknown ownership and Vehicle Identification Numbers

The vehicles are not stored on private property in connection with the business of a licensed vehicle dealer;

The vehicles are not stored as necessary to the operation of a lawfully conducted business or commercial enterprise;

The vehicles have been in this condition for an unreasonable length of time, in that one has no transmission, another has plants growing from the hood and one has a shredded tarp on it;

The property owner has been notified of the nuisance;

The property owner has been instructed as to the manner to remedy the nuisance;

PROPOSED CONCLUSION

Based on the above findings of fact we conclude the storage of the inoperable vehicles on the subject property create a condition tending to reduce the value of surrounding private property in the vicinity, and/or promotes blight and/or deterioration and/or constitutes an attractive nuisance creating a hazard to the health and/or safety of minors, because of the condition of the fence and the property as a whole; or is likely a harborage for rodents and/or insects injurious to the health safety and/or general welfare of the public, and constitutes a nuisance and violation of Coeur d'Alene Municipal Code 8.28.010 - .130

In addition, it is noted that this community takes pride in ownership and it is the homeowner's responsibility to take due care of their property so as to not devalue neighboring properties and it is socially unacceptable to keep this yard in the condition it is currently in.

COUNT IV (Removed from this Hearing)

PROPOSED ORDER

The owner, Michael Barnes, is hereby ordered to abate the nuisances as listed in the conclusions of law not later than December 31, 2007 by removing all inoperable, wrecked, dismantled vehicles (which includes trailers) from 2719 N.15th Street.

The owner, Michael Barnes shall abate the nuisance inoperable vehicles located adjacent to 2719 N. 15th Street not later than December 31, 2007 by removing them from public property.

It is hereby ordered that after December 31, 2007 the City of Coeur d'Alene staff or their designee shall cause the abatement of the nuisances by the removal of all inoperable, wrecked, dismantled or junk vehicles from and adjacent to the property of 2719 N. 15th Street.

It is further ordered that the cost of removal plus administrative costs of \$25.00 shall be paid by the Michael Barnes within 30 days of December 4, 2007.

If the costs associated with the abatement of the nuisance and administrative fees are not paid within 30 days, the cost shall be levied as a special assessment against the subject

property and certified to the tax collector of the county by the clerk as provided by Idaho Code.

Whether or not the costs are levied as a special assessment, the council in its discretion may order such costs to be collected by civil action.

MOTION: Motion by Reid, seconded by Hassell to approve the Order of Abatement on Counts 1 and 3 and to adopt the Findings of Fact and Conclusions as presented.

DISCUSSION: Councilman McEvers suggested that the Council give Mr. Barnes more time because it is winter and the holiday season. He would like to extend the time until the end of February to see if he is going to do it or if he is going to fight us.

Councilman Edinger commented that if this was Mr. Barnes' first notification he would agree with Councilman McEvers; however, he has been notified since last summer and he has not done anything to rectify this situation. He believes that if the Council extended the time then the Council is doing a disservice to the neighbors.

Councilman McEvers believes that Mr. Barnes didn't understand the legality of the order to clean that he received this past summer.

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

PUBLIC HEARING - ICDB GRANT FOR IMPROVEMENTS TO RAMSEY

ROAD AND GOLF COURSE ROAD: Mayor Bloem read the rules of order for this legislative public hearing. Jon Ingalls and Nancy Mabile gave the staff report.

Mr. Ingalls reported that the Salvation Army has agreed to collaborate with the City in regard to this proposed grant. The Salvation Army estimates that they will hire 67 FTEs of which they have agreed to hire 51% low to moderate income persons (34 FTEs). He reported that the project is estimated to be \$350,890 with the grant request for \$247,000 which includes \$24,500 for grant administration services through Panhandle Area Council. The Salvation Army has agreed to pay for the installation of the signal, estimated to be at \$100,000 which will be used as the matching funds for this grant. The City will pay \$2,590 for engineering and site plan services as well as complete the street striping in house at an estimated in-kind value at \$1,300.

Nancy Mabile, Panhandle Area Council, reviewed the grant application packet. She clarified that the ICDB grant is not the same as the HUD funding previously mentioned. This public hearing is a requirement of the grant process which is to allow for citizen input on this application. She also noted that citizens can provide comments in writing if they do not wish to speak at tonight's public hearing. The deadline for this application is December 17th. She reported that a traffic impact study was conducted this last summer which revealed that this intersection is operating at the lowest possible acceptable standard. The average waiting time to turn onto Ramsey Road from Golf Course road is

72 seconds with estimated delays by 2010 of 212 seconds. The proposed scope of work is the installation of camera triggered signalization at the intersection of Ramsey and Golf Course Road. \$350,890 is the estimated total cost for completing this project.

The block grant is to cover the cost of equipment and the Salvation Army is paying the cost of installation of the equipment. She noted that an environmental review must be completed for this project which will be completed by May, 2008.

Councilman Hassell noted that 36 groups have indicated that they will be using the Kroc Center which will create a huge impact at the intersection of Ramsey and Golf Course Road.

PUBLIC COMMENTS: Harold Hocker, 1313 E. Spokane Avenue, stated that he does not object to the signalization but he believes that the taxpayers have put a lot of "loot" into the Kroc Center and he objects to pouring more taxpayer money into this project.

Troy Tymesen, Finance Director, commented that the reason the City is applying for a grant for this intersection is that signalization at this intersection was not included in the Impact Fee study as the City did not foresee the Salvation Army constructing a community center in Coeur d'Alene.

Motion by Kennedy, seconded by Hassell to approve the grant application and authorize the ICDBG application as presented, which grant shall be utilized for infrastructure improvements at Ramsey Road and Golf Course Road to support the development of the Kroc Center.

ROLL CALL: Goodlander, Aye; Hassell, Aye; Kennedy, Aye, McEvers, Aye; Edinger, Aye; Reid, not present. Motion carried.

PUBLIC HEARING - AMENDING FEES FOR RECREATION, PARKS AND CEMETERY DEPARTMENTS: Mayor Bloem reiterated the rules of order for this legislative public hearing. Doug Eastwood, Parks Director, gave the staff report.

Mr. Eastwood reported that the Cemetery fees have not been adjusted since 2003. He noted that with the proposed fee increases the City is still slightly below other comparable municipal cemeteries in the region; however, we are comparable to the immediate surrounding communities.

RECESS: The Mayor called for a brief recess at 9:55 p.m. The meeting reconvened at 10:00 p.m.

In regard to the Park use fees, they were last amended in 1998. He noted that the fees collected go into the Parks Capital Improvement Fund to pay for the coverage of an event and to help offset capital improvements due to long term wear and tear on the facilities.

He reported that the Recreation Department is proposing increasing the Jewett House

Wedding Fees which have not been increased in ten years. The proposed fees include the addition of a cleaning fee and adjustments to the deposit and use fees.

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

RESOLUTION 07-075

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDHO AMENDING PARKS & CEMETERY AND RECREATION DEPARMTENT FEES.

Motion by Kennedy, seconded by Hassell to adopt Resolution 07-075.

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

EXECUTIVE SESSION: Motion by Reid, seconded by Edinger to enter into Executive Session as provided by I.C. 67-2345 SUBSECTION C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property, which is not owned by a public agency; and 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. The mere presence of legal counsel as executive session does not satisfy this requirement; ROLL CALL: Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye; Hassell, Aye. Motion carried.

The Executive Session began at 10:30 p.m. Members present were the Mayor, City Council, City Administrator and City Attorney.

Matters discussed were those of litigation.

No action was taken and the Council returned to regular session at 10:50 p.m.

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

The meeting adjourned at 10:51 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk