

MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT THE LIBRARY COMMUNITY ROOM,  
DECEMBER 16, 2008

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene Library, December 16, 2008 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Al Hassell	)	Members of Council Present
Mike Kennedy	)	
John Bruning	)	
Deanna Goodlander	)	
Loren Ron Edinger	)	
Woody McEvers	)	

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

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

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

**PRESENTATION – U.S. 95 TRANSPORTATION ACCESS PLAN:** City Engineer Gordon Dobler presented the (KMPO) Kootenai Metropolitan Planning Organization's proposed access plan for U.S. 95. He noted that one of the key measures was to have low-cost solutions and to manage and balance safety and mobility along US 95 in order to satisfy the Idaho Transportation Board's desire to close access along US 95 while providing essential community access to and from the highway. He noted that in January, 2009 the Idaho Transportation Board will review the proposal made by KMPO and make their final determination at that time. The recommended strategies from KMPO include signals at ½ mile intervals, turn restrictions at Cherry, Bosanko, Canfield, Aqua Orchard, Dakota, Lacey and Boekel, removal of Bosanko signal, Canfield signal to be moved to Wilbur, new signals at Miles and Wyoming, and most of the major intersections are to receive geometric improvements. He announced that the final open house for public input is scheduled for December 18, 2008 at 5:00 p.m.

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

**CONSENT CALENDAR:** Motion by Kennedy seconded by Edinger to approve the Consent Calendar as presented.

1. Approval of minutes for December 2, 2008.
2. Setting General Services Committee and Public Works Committee meetings for December 22<sup>nd</sup> at 12:00 noon and 4:00 p.m. respectively.

3. RESOLUTION 08-065: 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 CONTRACT RENEWAL WITH THE CD'A PRESS FOR RECRUITMENT CLASSIFIED ADVERTISING; APPROVAL OF A LETTER OF AGREEMENT WITH KOOTENAI COUNTY FOR PUBLIC TRANSPORTATION; APPROVAL OF A BILLING SERVICES CONTRACT AMENDMENT WITH KOOTENAI COUNTY FOR COMMERCIAL SOLID WASTE ACCOUNTS; APPROVAL OF A CONTRACT WITH AVISTA FOR GAS METER UNLOCK PROCEDURES AND APPROVAL OF A CONTRACT WITH TML CONSTRUCTION FOR THE WWTP DIGESTER #4 REFURBISHMENT.
4. Approval of Annual Road/Street Financial Report.
5. Approval of bills as submitted and on file in the City Clerk's Office.
6. Award of bid for purchase of one 1-ton truck and one tandem-axle truck for the Wastewater Treatment Plant (WWTP).
7. Directing staff to prepare a Memorandum of Understanding with the North Idaho Housing Coalition.
8. Award of bid for the purchase of a rock box dump body for the Water Department.
9. Authorizing the pre-purchase of WWTP ammonia control.
10. Authorizing the pre-purchase of WWTP thickener.
11. Authorizing a letter of support for proposed legislation for the Transportation Access Plan.
12. S-3-06 – Final plat approval for Hawks Nest 3<sup>rd</sup> Addition.
13. SS-13-08 – Final plat approval for Tri-Point Condominiums
14. Approval of cemetery lots transfer from Bonnie Wilmarth to Bruce and M. Colleen English.
15. Setting of Public Hearing (ZC-4-08) for zone change at 4971 and 48921 N. Duncan Dr. for Jan. 20, 2009

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

#### **COUNCIL COMMENTS:**

COUNCILMAN MCEVERS: Councilman McEvers announced that television technician, Kyle Cossairt, has been accepted to the Vancouver Film School which is a very prestigious honor and that tonight will be his last night with the City.

COUNCILMAN KENNEDY: Councilman Kennedy acknowledged County Commissioner Rick Currie for attending tonight's meeting. Through a partnership of St. Vincent DePaul, Fresh Start and the City, there is now a warming center for the homeless to stay when temperatures reach below 15 degrees. He thanked Deputy City Administrator Ingalls and Deputy Fire Chief Lauper who worked to make sure this warming center could happen. Councilman Bruning also noted that the St. Luke's Episcopal Church has agreed to take the overflow if necessary. Councilman Goodlander commended her grandchildren Shelby, Jackie, and Johnny Callahan who had gathered clothing for the warming center and she expressed her pride for their community spirit.

COUNCILMAN HASSELL: Councilman Hassell reminded citizens that the streets are very slick and with the subzero temperatures the de-icing solution doesn't work so please drive carefully.

**ADMINISTRATOR'S REPORT**: City Administrator Wendy Gabriel announced that City Firefighter Mandy Jacques won the state contest for a new Wildfire Management Plan logo. Mandy has been a Firefighter with the City for the past 5 years. With the subzero temperatures the Street Department has had to use sand instead of de-icing solution. They are anticipating that by the end of next week the brine-solution machine will be up and running. The Snow Plan is now available on the City's web site at [www.cdavid.org](http://www.cdavid.org). The City is only one of a few communities that provide a snow gate program when clearing streets of snow. Kudos to Police Lieutenant Don Ashenbrenner for his recent graduation from the FBI Academy. Holidays and Heroes sponsored by area Police Departments and Fire Departments for low income children to purchase Christmas gifts for their family, resulted in our City Fire and Police Departments sponsoring 12 families this year. Chief Longo has been selected to receive the Patricia Kempthorne Award. Mrs. Gabriel encouraged residents to contact the City's Water Department at 769-2210 during the week or 755-9729 on weekends if they have problems with frozen water pipes or frozen water meters. She announced that the last open house for the US-95 proposed improvements is scheduled for Dec. 18<sup>th</sup>. On December 17<sup>th</sup> Christie Wood will be reading her new book at the City Library. The Smithsonian Exhibit will be on display until December 20<sup>th</sup>. The World Winter Special Olympics is being held in Boise this year and the first stop of the Torch of Hope will be in Coeur d'Alene on January 29<sup>th</sup> and she invited the public to participate. Employment opportunities with the City include Police Officer and Parks Seasonal Lead Maintenance Worker positions.

#### COUNCIL BILL NO. 08-1026

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING MUNICIPAL CODE CHAPTER 13.30 AND ADOPTING A NEW CHAPTER 13.30 ENTITLED STORM WATER MANAGEMENT; PROVIDING DEFINITIONS AND A PURPOSE CLAUSE; REQUIRING SUBMISSION OF A STORM WATER MANAGEMENT PLAN WITH ANY LAND DISTURBING ACTIVITY; ESTABLISHING PERFORMANCE AND DESIGN STANDARDS FOR STORM WATER IMPROVEMENTS; AUTHORIZING THE ADOPTION OF SUPPLEMENTAL MATERIAL BY RESOLUTION OF THE CITY COUNCIL; ESTABLISHING PROPERTY OWNER'S OBLIGATION TO MAINTAIN STORM WATER IMPROVEMENTS AND PROHIBITED CONDUCT; AUTHORIZING AND PROVIDING RULES TO OBTAIN A VARIANCE FROM THE STORM WATER REQUIREMENTS; ESTABLISHING ENFORCEMENT PROCEDURES TO ENFORCE THE ORDINANCE AND OTHER GUARANTEES OF INSTALLATION TO ENSURE THAT STORM WATER IMPROVEMENTS ARE INSTALLED; ESTABLISHING THAT VIOLATIONS OF THE REQUIREMENTS OF THE CHAPTER ARE A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE

THAN ONE THOUSAND DOLLARS (\$1,000.00) OR BY IMPRISONMENT NOT TO EXCEED ONE HUNDRED AND EIGHTY (180) DAYS OR BY BOTH FINE AND IMPRISONMENT; 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.

STAFF REPORT: Deputy City Administrator Jon Ingalls presented the housekeeping updates to the City's storm water utility, which include updated terminology, clarification on procedures, and some streamlining of the code to make it more user friendly. He noted that the new plan calls for a storm water plan being required for single family residences but staff would like to amend the proposed ordinance to include that an engineered drawing of the storm water plan would not be required for single family residences.

MOTION: Motion by Hassell, seconded by Edinger to table the action on Council Bill No. 08-1026 until January 6, 2009 for the inclusion of allowing the exemption for single family residences as explained by Jon Ingalls. Motion carried.

**PUBLIC HEARING – A-4-08 – ANNEXATION/ZONING OF BLM PROPERTY AT 945 HWY. 95:** Mayor Bloem read the rules of order for this public hearing. John Stamsos, Senior Planner gave the staff report.

Mr. Stamsos gave the applicant's name as the U.S. Department of Interior, Bureau of Land Management and their request is for annexation with an R-1 zoning for a 9.6 acre parcel located on the south side of the Spokane River and west of U.S. 95 and the existing city limits.

Mr. Stamsos presented the staff analyses for zoning, shoreline regulations, city utilities and services. He reported that the Planning Commission recommended approval of this request on July 8, 2008 by a 5 to 0 vote. 33 notices of this public hearing were mailed with 6 responses being received – 2 opposed and 4 neutral. Written comments were distributed to the Council for their review.

PUBLIC COMMENTS: Eric Thomson, Field Manager for the Bureau of Land Management (BLM) located at 3815 Schreiber Way, Coeur d'Alene, spoke as applicant. He reported that BLM had notified the neighbors within 300' of a public meeting held on November 24<sup>th</sup> as recommended by the Planning Commission to help the neighbors understand their proposed annexation; however, the meeting resulted in no public attending. He noted that the proposed caretaker site is consistent with the BLM's 1995 proposal. Brian White, BLM Recreation Director, provided an overview of the Blackwell Island Host Site Development Plan. Councilman Edinger asked what the hours of the caretaker would be. Mr. White commented that it would be between 5 and 6 hours per day. Councilman Edinger asked why the caretaker house is not being placed on the existing RV site. Mr. White responded that this would be the caretaker's residence and thus there needs to be some separation so they can have some time off. Councilman

Edinger noted that they are requesting sewer be extended to the host site and voiced his concern of BLM selling this property to a developer in the future. Mr. White responded that since they are using Water and Conservation funds they cannot sell the property to a developer. Mr. White responded that they are planning to place a 1-1/4" sewer line so it can only serve this one site. Mr. Stamos added that the extension of the sewer line would be a private line extension from the BLM launch site.

Diane Nottage, 1215 Millview Lane, voiced her concern of the way people will be able to contact the care taker and that the caretaker cannot see the boat launch site from the proposed location. Ms. Nottage noted that the meeting scheduled by the BLM was held the week of Thanksgiving and that she arrived 10 minutes late but the meeting had already been closed.

Stacy Armstrong, 2009 S. Riverwood Road, voiced her concern of usage of the canal, the potential for lead exposure, and that this annexation could lead to the future development of condominiums on that side of the river.

**COUNCIL DISCUSSION:** Councilman Edinger asked Mr. White what if Council said they want the caretaker's home on the site of the current boat launch and asked if they would accept this proposal. Mr. White responded that they would not be going through this annexation process if it could be located at the boat launch site. Councilman Edinger asked if the caretaker could see the boat launch site from the proposed location. Mr. White responded that you can see most of the parking lot but no one can see the boat launch site unless you are right there on the river.

Councilman Goodlander asked if this proposed site was on their 1995 plan. Mr. White responded that it was. Councilman Goodlander asked if it would be difficult to retain a caretaker. Mr. White responded that the launch site is open from 5 a.m. to 11 p.m. and it would be unreasonable to expect any volunteer caretaker to work 17 hours a day.

Councilman McEvers asked about opening up public access to the caretaker site. Mr. White responded that the access road would be gated. He also noted that their notice of the public meeting was very explicit of the time, date and location and they were there until 20 minutes past 6.

**MOTION:** Motion by Goodlander, seconded by Bruning to approve the annexation and R-1 zoning for 945 Hwy. 95 and to adopt the Findings and Order of the Planning Commission.

**DISCUSSION:** Councilman Goodlander commented that some of the concerns voiced by the neighbors are really not concerns that will exist and that it makes sense to have a caretaker located at the proposed site than not there at all. Councilman Bruning noted that the ownership will not change and that the decision is a land-use decision and the zoning requested is the lowest zoning allowed. Councilman McEvers feels that this is not a big change to what currently exists. Councilman Edinger noted that he still can't understand why the host residence could not be located at the present launch site.

Councilman Kennedy believes that there are certain special places that the people just don't want encroachment upon and this is one of them.

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

**RECESS:** Mayor Bloem called for a 5 minutes recess at 8:20 p.m. The meeting reconvened at 8:30 p.m.

**PUBLIC HEARING – A-6-08 – ANNEXATION/ZONING OF 5225 And 5245 N. 15<sup>TH</sup> STREET:** Mayor Bloem gave the rules of order for this public hearing. John Stamsos, Senior Planner gave the staff report.

Mr. Stamsos gave the applicants' names as William and Bonnie Willoughby and their request as an annexation with an R-3 zoning for their property located at 5225 and 5245 N. 15<sup>th</sup> Street. Mr. Stamsos reported that on June 17, 2008 the City Council approved an agreement with the applicant to allow them to hook up to the city sewer system due to their septic tank failure. The agreement allowed the applicants to immediately hook up to the sewer system but required that they complete the annexation process. Mr. Stamsos also noted that the Panhandle Health District also required that they hook up to the City sewer system.

Mr. Stamsos provided staff analyses on zoning, Comprehensive Plan, city utilities, traffic, streets and storm water. He reported that on November 12, 2008 the Planning Commission recommended approval of this request by a vote of 5 to 0. He noted that on November 28, 2008, 41 notices of this public hearing were mailed with 3 neutral responses.

Councilman Edinger asked why it took so long for this annexation to come forward. Mr. Stamsos responded that in order to complete the application process they needed a survey of their property and at the time they didn't have the money to pay for the survey. Councilman Edinger noted that the applicant's are the ex-in laws' of his daughter; and that he has no conflict of interest. Councilman Goodlander asked if there are any annexation fees with this annexation. Mr. Stamsos noted that the Deputy City Attorney is recommending that the annexation fees be waived. Councilman McEvers asked if the applicants have been without sewer all this time. Mr. Stamsos responded that they have already hooked up to the city sewer.

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

**MOTION:** Motion by Goodlander, seconded by Hassell to approve the annexation and R-3 zoning of property located at 5225 and 5245 N. 15<sup>th</sup> Street and to adopt the Findings and Order of the Planning Commission and to waive the annexation fees. **ROLL CALL:** Edinger, Aye; Goodlander, Aye; Hassell, Aye; Kennedy, Aye; McEvers, Aye; Bruning, Aye. Motion carried.

**PUBLIC HEARING – AMENDMENTS TO CDBG 2008 ACTION PLAN:** Mayor Bloem gave the rules of order for this public hearing. Renata McLeod, Project Coordinator, gave the staff report.

Mrs. McLeod reported that staff is requesting certain amendments to the 2008 Action Plan which include amending the plan year to April through March, amending the requirements for amending the plan, citizen participation in the event of a substantial amendment, and amendments to the plan budget. She noted that tonight's public hearing was publicized three times and no written comments have been received.

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

**MOTION:** Motion by Goodlander, seconded by Edinger to amend the 2008 CDBG Action Plan as recommended by staff and to amend grants for assistance to LMI homeowners to include sewer repair and to amend the amount to up to \$6,000. Councilman Bruning declared a conflict of interest due to St. Vincent DePaul's participation in the CDBG funding. Motion carried.

**EXECUTIVE SESSION:** Motion by McEvers, seconded by Hassell to enter into Executive Session as provided by I.C. 67-2345 § C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property, which is not owned by a public agency; and § 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 at executive session does not satisfy this requirement.

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

The Council entered Executive Session at 9:05 p.m. Members present were the Mayor, City Council, City Administrator, City Attorney and Deputy City Administrator. Matters discussed were those of litigation and claims. No action was taken and the Council returned to their regular session at 9:45 p.m.

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

The meeting adjourned at 9:45 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, CMC  
City Clerk