

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL,  
JUNE 1, 2004**

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 June 1, 2004 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Dixie Reid ) Members of Council Present  
Woody McEvers )  
Ben Wolfinger )  
A. J. Al Hassell, III )  
Deanna Goodlander )

Loren Edinger ) Members of Council Absent

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

**INVOCATION:** The invocation was led by Gordon Dobler.

**PLEDGE OF ALLEGIANCE** was led by Councilman Wolfinger.

**PRESENTATION – MAYOR’S AWARD FOR EXCELLENCE IN QUALITY CHILDCARE:** Mayor Bloem presented Little Folks Children’s Center, North Idaho College Children’s Center and Loving Care Children’s Center certificates for recently receiving the Mayor’s Award for Excellence in Quality Child Care.

**FREQUENTLY ASKED QUESTIONS: What is the population of Coeur d’Alene?** The last population estimate we calculated, based on Census Bureau Standards, is from November 2002, which was 37,486. The Official census in 2000 was 34,563. Councilman Wolfinger explained that the City Planner derives our population number by taking the number of building permits for residential dwelling units by dwelling type constructed since the last official census, and subtracting those that are not occupied based on a Census Bureau vacancy rate. We then multiple each category by the Census Bureau occupancy rate and finally add them all together. The City has not done this detailed analysis recently but we have been growing at approximately 700-1000 people per year, which would equate to roughly a 38,000-38,900 population today.

**PUBLIC COMMENTS:**

**SUMMER CONCERT SERIES:** Chris Gouggemus, Handshake Productions, announced that the Coeur d'Alene Park Summer Concert series begins this Sunday in the City Park. He noted that this is the 10th year for this entertainment in City Park and encouraged all residents to come down to City Park and enjoy the entertainment.

**CONSENT CALENDAR:** Motion by Reid, seconded by Wolfinger to approve the Consent Calendar.

1. Approval of minutes for May 18, 2004.
2. Setting the General Services Committee and Public Works Committee meetings for June 7, 2004 at 4:00 p.m.
3. RESOLUTION 04-062: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVAL OF THE ANNUAL SUMMER ARTS PROGRAM DIRECTOR'S CONTRACT WITH YVONNE BENZINGER; APPROVAL OF A CONTRACT AMENDMENT WITH ONEEIGHTY NETWORKS, INC. FOR UPGRADING THE CITY'S FIBER CONNECTION; APPROVAL OF S-13-03PUD – FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT FOR HIDDEN GARDENS AND APPROVAL OF A LAND SALE AGREEMENT WITH THE UPPER COLUMBIA CORPORATION OF THE SEVENTH DAY ADVENTISTS FOR THE ANNIE WELL SITE.
4. RESOLUTION 04-064 – A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING POLICIES FOR PUBLIC WORKS CONTRACTING GUIDELINES.
5. Setting of Public Hearing for V-04-03 – Vacation of Linden Avenue between 4<sup>th</sup> and 5<sup>th</sup> Streets for June 21, 2004 at 3:00 p.m.
6. Approval of beer/wine license for Down the Street Restaurant
7. Approval of Fireworks Stands to be located at Albertson's, Fred Meyer, Goodwill Store, Runge Furniture, Safeway Stores #1470 and #295, Silverlake Mall, Super 1 Foods and Walgreen's.
8. Acceptance of Water Line easement from School District 271 at Ramsey School.
9. Approval of cemetery lot transfer from James Edinger to James and Marie Edinger.
10. Authorizing Christie Johnson to represent the City in court.

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

**ARTWORK IN COUNCIL CHAMBERS:** Councilman Wolfinger introduced the artwork being displayed in the Council Chambers by artist S. Worth.

**FIRE DEPT. COMMENDED:** Council President Reid announced that at the recent State of Idaho Emergency Medical Conference, our Fire Department received the Outstanding EMS Provider Award.

**WATER DEPARTMENT STAFF CONGRATULATED:** Council President Reid congratulated Tom Howard, Pat Clark and Mike Humber who recently passed their Class III certification test.

**LIBRARY CELEBRATION:** Councilman Goodlander invited residents to the Library Centennial Celebration to be held in front of City Hall this Sunday, June 6, 2004. She asked participants to bring 100 coins of any denomination except pennies.

**STREET DEPT. THANKED:** Councilman McEvers thanked the Street Department for keeping the streets clear of flooding waters.

**ARTISTIC MOOSE ON DISPLAY-** Mayor Bloem noted that there are 25 painted moose on display throughout our City and they were created as a fund raising project for the School District's EXCEL Foundation. She expressed her sorrow to hear of the vandalism to two of the moose over this past weekend.

**EXECUTIVE TEAM:** Jim Markley announced that tennis lesson sign ups would start on Thursday, June 3<sup>rd</sup>. These lessons are for Youth and Adults. The Recreation Department is also sponsoring dance classes for the area youth. If you have any questions, please call Leeann at 765-7601. Also from your Recreation department we have notice of a Young Writers Roundtable for kids. For questions please contact the Recreation Department at 769-2250. Fins and Feathers and the CDA Recreation Department are sponsoring the annual "I Caught A Fish Contest". Saturday June 12<sup>th</sup> is the date of the contest at 8:00 a.m. until 12:00 p.m. Just show up at the Fernan Boat Launch and catch a fish. And by the way, this contest is only for kids. Any questions, just call the Recreation Department at 769-2250. He also congratulated Kyle Marine for passing the Water Distribution I test.

**BLUE WATER TECHNOLOGIES – PILOT STUDY:** Motion by Reid, seconded by McEvers to approve an expenditure not to exceed \$10,840.00 for pilot studies with Blue Water Technologies for new phosphorous removal technology. Motion carried.

#### ORDINANCE NO. 3175

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING NEW SECTIONS OF THE COEUR D'ALENE MUNICIPAL CODE AS FOLLOWS: SECTION 15.08.025 REGARDING THE VALIDITY OF BUILDING PERMITS; SECTION 15.08.055 REGARDING SUSPENSION OR REVOCATION OF BUILDING PERMITS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by McEvers to pass the first reading of Ordinance No. 3175.

DISCUSSION: Councilman Goodlander voiced her concern that the proposed regulation is too broad for her comfort level. Councilman Wolfinger understands the need to speed up the enforcement process, but he has a concern that there is no middle ground, either it is okay or you stop the work. Councilman McEvers asked if this ordinance were in place last year, would it have helped with the Panhandle Concrete issue. Assistant City Attorney Wilson noted that this would not have helped because Panhandle Concrete was a production issue, not a construction issue.

PUBLIC COMMENTS: Hisham Zahran, Hayden Lake, local builder, avoids working in Coeur d'Alene because of the regulations within Coeur d'Alene and believes that our regulations slow the work process in Coeur d'Alene and cost builders money and time. Councilman McEvers noted that the City has learned from the past where in the building booms of the 70's saw contractors come in, build substandard buildings and the leave the area and the City is here to protect the consumer. He believes that it may cost more to build here, but you are getting a better product here.

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

Motion by Reid, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3175 by its having had one reading by title only.

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

#### ORDINANCE NO. 3176

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO C-17 AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: THE WEST 100 FEET OF THE NORTH 40 FEET OF LOT 3 AND THE WEST 100 FEET OF THE SOUTH 95 FEET OF LOT 4, THOMAS ADDITION TO COEUR D'ALENE AND THE NORTH 40 FEET OF LOT 3 AND THE SOUTH 95 FEET OF LOT 4, THOMAS ADDITION, EXCEPT THE EAST 310 FEET AND THE WEST 100 FEET THEREOF IN SECTION 1, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, MORE COMMONLY KNOWN AS 3104 GOVERNMENT WAY; CITY FO COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING ALL

ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH;  
AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Wolfinger, seconded by McEvers to pass the first reading of Ordinance No. 3176.

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

Motion by Wolfinger, seconded by Hassell to suspend the rules and to adopt ordinance No. 3176 by its having had one reading by title only.

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

RESOLUTION 04-063

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY,  
IDAHO REJECTING ALL BIDS FOR THE WATER DEPARTMENT  
ADMINISTRATION BUILDING.

Motion by McEvers, seconded by Wolfinger to adopt Resolution 04-063.  
Councilman Reid declared a conflict of interest

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

**PUBLIC HEARING – STORM WATER UTILITY:** Mayor Bloem, read the rules of order for this public hearing. Tom Messina, Chairman of the Stormwater Advisory Committee, introduced Sean Pickett who gave the staff report.

Gordon Dobler, Growth Services Director, reviewed the staff's process of developing the proposed utility ordinance using the recommendations of the Storm water Advisory Committee.

Mr. Pickett, reviewed the efforts of the Storm Water Advisory Committee, including the federal requirements (Phase II NPDES) which are driven by the Clean Water Act, the outreach efforts of the committee to involve the community in the development of this utility, the condition of the existing storm water system, and identified 100 neighborhood projects through citizen complaints over the past 15 years. He noted that the key services that the storm water utility will bring include capital improvements consisting of structural improvements, swale reconstruction, catch basin replacement, drywell replacement, manhole and list replacement, curb replacement and Wastewater Fund repayment. The utility also includes system maintenance consisting of leaf pickup, street sweeping services, vactor truck purchase, catch basin cleaning, drywell cleaning, manhole cleaning, storm water pipe

cleaning, swale cleaning and minor repair, and detention facility cleaning. The utility also includes the cost for program oversight, which includes financial, personnel and work management, coordination with other departments, equipment acquisition, and budget and expenditure management. Public education provides for community and development education by the distribution of newsletters, programs geared towards grade school children, on-site water quality best management practices regarding issues such as fertilizer applications, swale care/maintenance and erosion control. Engineering and Plan Review includes technical support for all program areas, field inspection and enforcement, and drainage plan reviews and inspections. Water Quality involves code enforcement, inspections and regulatory compliance. The overall annual budget projection is \$1,080,455. The service charge structure is based on impervious service area with a uniform rate for residential structures and commercial property being based on the measured impervious surface with a credit available. Based on projected EDU's the estimated monthly rate/EDU would be \$4.00 - \$4.40 per month.

Public Comments: Tom Margozewitz, 2858 White Pines Drive, believes that a good storm water plan is needed but is concerned about the proposed plan, as storm water swales cannot be fixed. He commented that he has a swale next to his home that fails each time it rains and backs up into the street and floods the neighbor's home. He believes that the City should take care of these types of swales if they do go ahead with a storm water utility since the City approved and signed off on the design of these swales. Sandy Jacobs, 1512 Gilbert, complimented the Committee for the work they have done. He noted that the existing storm water drain in front of his home is now too small and needs to be replaced and encouraged the Council to adopt this plan. Kim Long, 1101 N. 2nd Street, asked the Council to consider that when they add this tax they explain to the community what they are paying for is labor and to purchase new equipment. He believes that the residents should be able to know who is doing the work for this storm water utility. Councilman Wolfinger explained that major construction projects are bid out and there may be a few new City positions available. Jon Ingalls, Street Superintendent, noted that there would be some outsourcing, the use of existing employees and perhaps the hiring of some new employees.

Storm Water Committee Chairman Tom Messina noted that the proposed utility is needed and can work and encouraged the Council to consider the creation of this utility.

**COUNCIL COMMENTS:** Councilman Goodlander asked that since there are some serious problems that need to be fixed immediately, would we be wise to do bonding for these bigger, must-do projects. Finance Director Troy Tymesen said that bonding could be a wise move since bond rates are at a 28-year low. However, the total project cost is the variable for doing a bond. Councilman Goodlander asked what the average annual cost increase would be on this type of project. Gordon Dobler, Growth Services Director, said that the average cost increase for construction is approximately 3% per year. Councilman Hassell asked if the commercial cost credit

application is an annual or one-time application process. Sean Pickett noted that it is a one-time credit application. Councilman Hassell asked if the ordinance contains a mechanism to rescind the credit, Sean replied with a "yes". Councilman Hassell asked if the City could take the equipment onto private property. Gordon Dobler noted that swales are in the public rights-of-way or drain into an easement that drains into the public right-of-way, which means that City equipment could be utilized. Councilman McEvers asked if Gordon would be overseeing this utility because of his commitment to help the citizens if the utility was incorporated. Gordon thanked Councilman McEvers for his vote of support. Council President Reid noted that the ordinance includes an annual report that will be issued by the Storm Water Advisory Committee, and storm water repair projects will be announced possibly through the City's web site.

#### ORDINANCE NO. 3177

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDHAO BY ADOPTING A NEW CHAPTER DESIGNATED AS 13.35; PROVIDING A PURPOSE; ESTABLISHING A STORM WATER UTILITY; PROVIDING DEFINITIONS; AUTHORIZING A UTILITY RATE STRUCTURE; AUTHORIZING CREDITS AGAINST CHARGES; TRANSFERRING INTEREST IN STORM WATER FACILITIES AND ASSETS; PROVIDING FOR THE ADMINISTRATION OF THE STORM WATER UTILITY; PROVIDING FOR THE RECALCULATION OF FEES; ESTABLISHING UTILITY BILLING AND DELINQUENCY PROCEDURES; ESTABLISHING A STORM WATER ENTERPRISE FUND; PROVIDING FOR ANNUAL REPORTS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF.

MOTION: Motion by Wolfinger, seconded by Reid to pass the first reading of Ordinance No. 3177.

DISCUSSION: Council President Reid noted that this is probably one of the best examples of public/private partnership and thanked the committee for their 24 months of work. Councilman Hassell agrees with all the suppositions but believes that this may not be the best way to go about it. He believes that we should be phasing into this especially since we are currently paying for some of these services. He believes that this is a public entity transfer tax and should be phased in rather than creation of a new tax. He believes that it is premature and the funding of a new utility is unnecessary. He also believes that by creating a public utility we are creating another target for EPA. Councilman Wolfinger believes that we have been robbing Peter to pay Paul for too long and that this type of utility has been done in other communities for a long time. He believes that this utility can be compared to the creation of the sewer treatment utility in that when the sewer utility was created it was thought that septic tanks were adequately working at the time. He believes that this is the right

step to take, this the right time to do it and we need to step up to the plate and do it. Councilman Goodlander noted that EPA will be requiring us to do this and she would rather do this sooner than later and also it would help relieve some of the problems that our citizens have been facing for some time. She believes that this is the right thing to do. Councilman McEvers is much more comfortable with the \$4.00 and disagrees with Councilman Hassell that this rate will do nothing but go up. He believes that a reserve could be built up and can be used when big projects come up in the future. He believes that we need to get the maintenance going for the City and the maintenance budget is a key factor of this utility. He believes that growth will take care of the need for increased funding as opposed to rate increases. Council President Reid commented that we are indeed phasing this utility in, the budget will need to be increased in the future, the Clean Water Act has been in effect for 15 years and cities all over the country have complied with the Act. She noted that leaf pickup and street sweeping is not a shift from Street Maintenance, as these are not part of the street maintenance responsibility. She also believes that shifting the general fund is not feasible and that a storm water utility places the funding strictly in maintaining and improving our storm water utility.

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

Motion by Wolfinger, seconded by Reid to suspend the rules and to adopt Ordinance No. 3177 by its having had one reading by title only.

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

#### RESOLUTION 04-065

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO SETTING SERVICE CHARGES FOR STORM WATER MANAGEMENT; ALLOWING CREDITS FOR COMMERCIAL AND MULTI-FAMILY RESIDENTIAL PROPERTIES AND APPROVING THE ORGANIZATIONAL STRUCTURE OF THE STORM WATER UTILITY.

Motion by Wolfinger, seconded by Goodlander to adopt Resolution 04-065 and to set the EDU rate at \$4.00 per month.

DISCUSSION: Councilman Wolfinger stated that he believes that this is a good starting point. Councilman Goodlander believes that this is a good starting point and hopes that we do not have to increase this rate.

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

**PUBLIC COMMENTS: AVISTA UTILITY PROPOSED RATE INCREASE:**

Bart Chamberlain, stated that there is a big problem coming to the City regarding Avista, in that they want a 22% rate increase. He stated we have had a 50% rate increase in gas rates over the past few years. He requested that the Council act to prevent these increases from happening. Motion by Wolfinger, seconded by Goodlander that Councilman McEvers review this issue and bring it back to the next Council meeting. Motion carried.

**EXECUTIVE SESSION:** Motion by Reid, seconded by Wolfinger 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; Subsection B: To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent; Subsection C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property not owned by a public agency; and Subsection F: To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

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

The session began at 8:27 p.m. Members present were the Mayor, City Council, Finance Director and City Attorney.

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

No action was taken and the Council returned to regular session at 9:15 p.m.

**PURCHASE OF ADAMS PROPERTY:** Motion by Wolfinger, seconded by Goodlander to approve the Finance expending \$400,000 for the down payment for the purchase of the Adams property on Golf Course and Ramsey Road. Motion carried.

**ADJOURNMENT:** Motion by Wolfinger, seconded by Hassell that, beings there is no further business, this meeting is adjourned. Motion carried.

The meeting adjourned at 9:15 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, City Clerk