

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
JUNE 15, 2010**

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 Library Community Room June 15, 2010 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Woody McEvers) Members of Council Present
Loren Ron Edinger)
A. J. Al Hassell, III)
John Bruning)
Deanna Goodlander)

Mike Kennedy) Excused - representing the City at the AIC Conference

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

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

PRESENTATION – 4TH STREET SCULPTURE BIKE RACKS – RIBBON CUTTING: Mayor Bloem, along with two of the bicycle rack artists, conducted a ribbon cutting in commemoration of the new bicycle racks placed along 4th Street as part of the Improvement Project. Arts Commission members Elisabeth Garland and Fred Ogram and liaison Steve Anthony gave a presentation of the various sculpture-designed bike racks placed along 4th Street.

PUBLIC COMMENT:

4th OF JULY PARKING: Terry Cooper, Downtown Association, requested Council approve the Chamber's request to allow the public parking lots to have a \$10.00 parking fee with \$5.00 being donated to the Chamber for the 4th of July fireworks. Debbie Berger, Chamber of Commerce Fireworks Coordinator also requested the use of public parking lots for raising funds for 4th of July Fireworks.

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

1. Approval of minutes for June 1, 8, 2010.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, June 21st at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 10-019: 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 APPROVING A MEMORANDUM OF AGREEMENT WITH IDAHO DEPARTMENT OF LANDS FOR FEDERAL EXCESS PROPERTY USE; ADOPTING POLICIES: LEAK CREDIT INTERNAL PROCEDURES / UTILITY BILL ADJUSTMENT – LEAK CREDIT; APPROVING AMENDMENT NO. 2 TO THE AGREEMENT WITH HDR ENGINEERING, INC. FOR RECOATING WWTP

SECONDARY CLARIFIER #2 AND BID AWARD AND CONTRACT WITH MDM CONSTRUCTION FOR THE HOWARD STREET IMPROVEMENT PROJECT.

4. Setting of public hearing for amendments to Community Development Block Grant Plan Year 2009 and Plan Year 2010 for July 6, 2010.
5. Approval of bills as submitted and on file in the Office of the City Clerk.
6. Approval of cemetery lot repurchase from Alice Williams.
7. Approval of horse drawn carriage rides in the Downtown area for each Sunday during the months of July and August.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN GOODLANDER: Councilman Goodlander announced that “Take Time”, the Arts Commission project on the east end of Sherman is being dedicated on Coeur d’Alene Lake Drive Wednesday, June 30th, 2:30 p.m. She announced a call to gardeners in Coeur d’Alene and Post Falls for the xeriscape gardening contest. Councilman Goodlander introduced the members of Boy Scout Troop No. 3 who were in attendance at tonight’s Council meeting.

COUNCILMAN MC EVERS : Councilman McEvers announced that next Monday is National Skateboard Day and it will be celebrated with a parade and celebrations at the Skateboard Park

COMMITTEE APPOINTMENTS: Motion by Edinger, seconded by Hassell to reappoint Rod Colwell to the Lake City Development Corporation and to appoint Joseph Sharnetsky to the Arts Commission. Motion carried.

ADMINISTRATOR’S REPORT: City Administrator Wendy Gabriel reported that a groundbreaking ceremony was held yesterday (6/14) at the site of the new dog park. The Parks & Recreation Commission has been in regular contact with the Kootenai County Dog Park Association regarding the fundraising and planning for the off-leash dog park. The Parks & Recreation Commission heard from the association on Monday that the group has raised all but \$1,400 of their target of \$54,000. They have collected \$22,600 of a \$24,000 cash goal, and \$30,000 in materials and in-kind labor. They will likely have reached or exceeded their cash goal before the month is out. The agreement with School District 271 to use its property has been signed by the School District and the city. Summer Reading begins today in the Lake City and offers programs for ages newborn to 13 with the theme, “Make a Splash at the Library.” Programs include: “Picnic in the Park Preschool Program” for ages 3 – 5; “Inspired by Nature – An Art & Writing Workshop for Kids” for ages 9 – 12; “Ocarina Club” for ages 9-13; “Friday Film Festival” for kids of all ages; “Book Babies Lap-Sit” for ages newborn to 2; “Tales for Twos and Threes,” for ages 2 – 3; “Preschool Storytime” for ages 3 – 5; “LEGO Club” for ages 5 – 10; and “YRCA Book Club” for ages 8 – 12. For more information on all of these programs, call David Townsend at the Library at 769-2426 or visit www.cdalibrary.org. 52% of Americans want to bike more than they do, but only 27% of the population ride a bike at least once a year. One of the obstacles people face is distance. If you live farther away from your destination than you are comfortable with for biking purposes, you might consider putting your bike in your car, driving part-way, parking your vehicle, then taking your bike out, and biking the rest of the way. The City of Coeur d’Alene has posted information on our city website regarding street closures during the Ironman Triathlon event on June 27th. Please visit our website at www.cdaid.org for

more information. We have a vacancy on the Planning Commission. If you are interested in serving, please contact Shana Stuhlmiller in the Planning Department at 769-2240. The City of Coeur d'Alene received an award of \$133,512.00 from American Recovery and Reinvestment Act funds to perform public tree maintenance work. It is one of four communities in Kootenai and Bonner counties to receive such an award. ARRA funding will save abutting property owners the maintenance costs for trees in greatest need of pruning or removal. However, abutting property owners will still be responsible for planting replacement trees for street trees that are removed. Please call our Urban Forester, Karen Haskew, 769-2266, for details. The Association of Idaho Cities has awarded the City of Coeur d'Alene three achievement awards for its "Brine Facility," "Fallen Heroes Plaza," and "Mudgy and Millie." These programs are examples of collaboration, partnership, and the commitment to making the community a better place to live.

RESOLUTION NO. 10-022

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR FY 10 SAFE ROUTES TO SCHOOL PROJECT NO. A011(996), WITH IDAHO TRANSPORTATION DEPARTMENT (ITD).

Motion by Hassell, seconded by McEvers to adopt Resolution 10-022.

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

RESOLUTION NO. 10-023

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR FY 11 SAFE ROUTES TO SCHOOL PROJECT NO. A012(021), WITH IDAHO TRANSPORTATION DEPARTMENT (ITD)

Motion by Hassell, seconded by McEvers to adopt Resolution 10-023.

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

RESOLUTION NO. 10-020

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A LEASE AGREEMENT FOR THE 4TH OF JULY PARKING LOT LEASE, WITH THE COEUR D'ALENE CHAMBER OF COMMERCE.

Motion by Hassell, seconded by Goodlander to adopt Resolution 10-020.

DISCUSSION: Councilman Hassell noted that 40% of the parking lot funds go towards the Parks Capital improvement fund and the Chamber will pay the City \$7,000 which has been the normal amount of funds received during the 4th of July. Councilman McEvers voiced his concern that once we start something like this it keeps going. Councilman Goodlander noted that the LCDC

parking lot was not taken away from Sorensen School as they did not request to lease it this year and believes that it is a good idea to allow the Chamber to use the parking lots as a means to fund the annual fireworks show. Councilman Bruning noted that he had received a number of phone calls and emails all negative remarks towards this lease with the main comments that the City is setting a dangerous precedent and possibly “price gouging”. Councilman Edinger received several phone calls all opposed to this proposal and all of them commenting that this is setting a dangerous precedent as well as questioning what the City’s revenue from this increased parking cost is. Troy Tymesen explained that the funds received go to the Parking Fund. Diamond Parking manages the parking lots for the City. Over the past three years, event parking on the 4th of July has made the City \$7,000 which is what the City will again receive this year. Councilman Edinger asked Terry Cooper if someone parked at 9:00 a.m. in the morning on the 4th of July, goes home and then comes back in the evening would they have to pay the \$10.00 parking twice. Mr. Cooper responded yes they would; however, there is free parking on Sherman as well as \$5.00 parking in the various private parking lots. Councilman Edinger asked how the Chamber came up with doubling the parking fee. Mr. Cooper responded that this is an attempt to make up for the loss of the \$10,000 contributor that the Chamber had in years past. Councilman Edinger voiced his concern of setting a precedent. Councilman Bruning asked what would happen if the Chamber did not get this lease. Mr. Cooper responded that the fund-raising is ongoing and if not enough donations are made the fireworks show would be reduced. Councilman Bruning asked Mr. Tymesen if the City has leased out City parking lots perviously. Mr. Tymesen responded that Ironman does have use of the 3rd Street parking lot and other events such as car auctions have leased parking lots. Mayor Bloem noted that there are a large number of out-of-state vehicles in our parking lots on the 4th of July and this is an opportunity for these guests to our community to participate in the funding of this event and she also noted that this agreement is a one-year agreement.

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

ORDINANCE NO. 3386
Council Bill No. 10-1010

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO CORRECT DRAFTING ERRORS IN SECTIONS 15.32.040 AND 15.32.210; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Edinger, seconded by Bruning to pass the first reading of Council Bill No. 10-1010.

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

Motion by Goodlander, seconded by McEvers to suspend the rules and to adopt Council Bill No. 10-1010 by its having had one reading by title only.

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

PUBLIC HEARING – LID 149 FINAL ASSESSMENT ROLL FOR 4TH STREET IMPROVEMENT PROJECT: Mayor Bloem read the rules of order for the public hearing. Dennis Grant, Project Manager, gave the staff report.

Mr. Grant reported that the total project cost was approximately \$2,904,000. The City's portion was \$1,000,000 (34%), LCDC contributed \$1,674,000 (56%) and the LID will provide \$252,210.77 (8%). He noted that individual property assessments were calculated based on frontage foot and benefits derived and that the assessments will be paid off over ten years, which is the term of the financing.

WRITTEN PROTESTS: City Clerk Susan Weathers reported that she had received three written protests to the final assessments: Robert Powell wrote that he does not agree with the changes and opposes his total assessment; Dusty Rhoads on behalf of the American Legion, objects to the cost of the enhancements of \$619.92; and, Mr. Gary True who also objects to the cost of the enhancements of \$327.54 for his property at 810 N.4th Street and \$277.15 for 812 N. 4th Street. She distributed copies of the written protests to the City Council for their review.

PUBLIC COMMENTS: Dusty Rhoads, representing the American Legion Post 14, 754 N. 4th Street, explained that the Legion accepts the base assessment; however, they do not agree with the enhancements and thus oppose being assessed the \$619.92. Dennis Grant explained the enhancements to the Midtown area as a part of this LID project. Councilman Goodlander commented that she believed that LCDC was going to pay for all the enhancements for Midtown. Mr. Grant noted that since the creation of LID 149, additional enhancements had been agreed upon by the owners of Midtown and the assessment include those enhancements. City Engineer Gordon Dobler noted that the assessment notices mailed out for this public hearing contained the same assessment amounts that the owners were notified of 1-½ years ago when the preliminary assessment roll had its public hearing. Gary True, 810 and 812 N. 4th Street, believes that LCDC was going to pay for the enhancements and noted that he believes the project is not complete and he should not be paying for things that were not done but promised such as a park and additional parking lots. Dennis Grant responded that the dead trees will be replaced at no additional cost and the sidewalk will be repaired at no additional cost. In regard to the pocket park and parking lots, they were not included in the cost of the LID but, rather, are LCDC owned projects. Mr. Tymesen noted that the first annual payment for this LID is in one year.

DISPOSITION OF PROTESTS: Motion by Hassell, seconded by Bruning to deny the written protest of Robert Powell. Motion carried. Motion by Hassell, seconded by Bruning to deny the written protests of the American Legion Kootenai Post 14 and Gary True. Motion carried.

RESOLUTION NO. 10-021

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, CONSIDERING AND DISPOSING OF PROTESTS REGARDING LOCAL IMPROVEMENT DISTRICT NO. 149; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Motion by Hassell, seconded by Bruning to adopt Resolution 10-021.

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

ORDINANCE NO. 3385
Council Bill No. 10-1011

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO APPROVING AND CONFIRMING THE ASSESSMENT ROLL OF ITS LOCAL IMPROVEMENT DISTRICT NO. 149 FOR THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO SAID STORM SEWER LINES AND FACILITIES, AND ASPHALT, CURB AND SIDEWALK IMPROVEMENTS WITHIN THE LIMITS OF LOCAL IMPROVEMENT DISTRICT NO. 149; PROVIDING FOR ASSESSMENTS, PROVIDING FOR THE APPEAL PROCEDURE, PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Motion by Edinger, seconded by McEvers to pass the first reading of Council Bill No.10-1011.

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

Motion by Goodlander, seconded by McEvers to suspend the rules and to adopt Council Bill No. 10-1011 by its having had one reading by title only.

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

PUBLIC HEARING – ZC-1-10 – ZONE CHANGE AT 909 AND 927 W. RIVER AVENUE:
Mayor Bloem declared a conflict of interest due to being a member of the NIC Foundation Board. Mayor Pro Tem Edinger read the rules of the order for this public hearing. John Stamsos, Association Planner, gave the staff report.

Mr. Stamsos gave the applicant's name as North Idaho College and the North Idaho College Foundation, the location as an approximate 1.1 acre parcel at 909 and 927 West River Avenue, and a request for a zone change from R-17 for parcel "A" and from LM for Parcel "B" to C-17.

Mr. Stamsos gave the staff analyses for land use, neighborhood characteristics, Comprehensive Plan, zoning, utilities, streets/traffic, and stormwater. He noted that on April 23, 2010 the Planning Commission recommended approval of the zone change.

Mr. Stamsos reported that on May 28, 2010, nine notices of tonight's public hearing were mailed to all property owners of record within three-hundred feet of the subject property with 3 neutral responses being received from the Highway District and the Idaho Department of Lands.

PUBLIC COMMENTS: Marc Lyons, 700 Northwest Blvd., attorney for the NIC Foundation, requested approval of the requested zone change noting that it is consistent with the existing and future zoning of the campus property.

MOTION: Motion by Goodlander, seconded by Bruning to approve the requested zone change to C-17 and to adopt the Findings and Order of the Planning Commission. ROLL CALL: Bruning, Aye; Edinger, Aye; Goodlander, Aye; Hassell, Aye; McEvers, Aye. Motion carried.

EXECUTIVE SESSION: Motion by Hassell, seconded by Bruning to enter into Executive Session as provided by I.C. 67-2345 § 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: McEvers, Aye; Bruning, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye. Motion carried.

The session began at 7:45 p.m. Members presented were the Mayor, 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 8:35 p.m.

ADJOURNMENT: Motion by Edinger, seconded by McEvers that, there being no further business before the Council, the meeting is adjourned. Motion carried.

The meeting adjourned at 8:35 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk