

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL,
SEPTEMBER 19, 2006

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, September 19, 2006 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Al Hassell)	Members of Council Present
Woody McEvers)	
Deanna Goodlander)	
Loren Edinger)	
Dixie Reid)	
Mike Kennedy)	

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

INVOCATION was led by Pastor Paul Peabody, Grace Bible Church.

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

PRESENTATIONS:

PROCLAMATION - "PEACE DAY": Councilman Edinger read the proclamation on behalf of Mayor Bloem proclaiming Sept. 21, 2006 at "Peace Day" in the City. Mark Cochran accepted the proclamation.

PRESENTATION - OUTSTANDING INDIVIDUAL ACHIEVEMENT - PAT AGUILAR: Recreation Director Steve Anthony presented Pat Aguilar with the Idaho Recreation and Park Association Award for Outstanding Individual Achievement for his hours of service volunteering in various recreation functions including becoming the President of the local AAU Basketball club and organizing several basketball tournaments for the City.

PRESENTATION - OUTSTANDING ORGANIZATION - ABBOTSWOOD DESIGN GROUP: Parks Director, Doug Eastwood presented Abbotswood Design Group with the Idaho Recreation and Park Association Award for an Outstanding Organization for their help over the past three years in designing the Cherry Hill Park complex including the 911 Memorial.

PUBLIC COMMENTS:

UNITED WAY GOLF TOURNAMENT: Troy Tymesen announced that the City's annual golf tournament raised over \$900 for this year's United Way Campaign. He noted

that the winning costume team was Fire Chief Gabriel's team and Municipal Services Director, Susan Weathers, and her team (the Worker Bees) placed first in the tournament after a 3-way tie-breaking game of rock, paper, and scissors.

CONSENT CALENDAR: Motion by Reid, seconded by Kennedy to approve the Consent Calendar including a correction to the minutes by correcting the spelling of Reiley.

1. Approval of minutes for September 5, 2006.
2. Setting of the Public Works Committee and General Services Committee meetings for September 25, 2006 at 4:00 p.m.
3. RESOLUTION 06-057: 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 AMENDMENT NO. 2 TO THE CODE ENFORCEMENT CONTRACT WITH TIM TROUT; APPROVAL OF A LEASE RENEWAL WITH THE 11TH STREET DOCKOWNERS ASSOCIATION, INC.; APPROVAL OF CHANGE ORDER NO. 5 FOR THE WWTP PHASE 4B AND APPROVAL OF THE EMPLOYEE BENEFIT PLAN CHANGES AND RENEWAL RATES.
4. Acceptance of right-of-way at Ramsey Road north of Hanley Avenue.
5. Approval of bid specifications and authorizing staff to advertise for bids for Ramsey Field II lighting.
6. Setting a public hearing for a vacation of North Street between Davidson and Emma Avenue for Oct. 17, 2006.
7. Approval of beer/wine/liquor license for the Sunset Bowling Alley to Vern Ortel and Michael Otre.
8. Setting of public hearings: V-2-06 (Appeal of variance for 1027 Sherman) for Nov. 21, 2006 and O-3-96 (Cluster Housing Regs.) for November 21, 2006.
9. Setting of public hearing for creating/amending various fees for Oct. 3, 2006.
10. Approval of bills as submitted to and on file in the City Clerk's Office.
11. Approval of a Memorandum of Understanding with the University of Idaho.

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

CDA TV VOLUNTEERS NEEDED: Councilman McEvers announced that CDATV is looking for volunteers in helping with the various aspects of CDATV. Anyone interested in volunteering may contact Susan Weathers at 769-2231.

RESOLUTION NO. 06-058

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AMENDMENT NO. 2 TO THE CONTRACT WITH IDAHO COMMERCE & LABOR (ICL) FOR THE ICDBG FOR THE U.S. BANK WEST SELTICE WAY PROJECT AND TO AUTHORIZE THE GRANT CLOSEOUT AGREEMENT.

Renata McLeod reviewed the grant process including the involvement of US Bank and the improvements completed using the funding from the grant.

Motion by Goodlander, seconded by Edinger to adopt Resolution 06-058.

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

DECLARATION OF EMERGENCY: WWTP Superintendent Sid Fredrickson requested the Council approve the Mayor's Declaration of Emergency for replacing the cracked clay sewer line in the alley north of Lakeside Avenue between 6th Street and 7th Street.

DECLARATION OF EMERGENCY

SANDI BLOEM, duly elected Mayor of the city of Coeur d'Alene, hereby declares the following emergency pursuant to Idaho Code Section 67-2808.

WHEREAS, on September 13, 2006 the sewer line in the alley north of Lakeside Avenue between Sixth and Seventh Streets was found to be in extremely deteriorated condition; and

WHEREAS, it is uncertain how long said pipe can continue to operate in removing sewage from the neighborhood;
and

WHEREAS, the inability to collect sewage from the neighborhood may result in damage to property, and could be a substantial health threat because of the potential for raw sewage spills in homes of the city and its citizens;
and

WHEREAS, the uncertainty of continued operation of said sewer pipeline precludes the city from normal procurement of contractor services, the replacement of said pipeline must be undertaken immediately to provide continued wastewater collection services to the neighborhood;
and

WHEREAS, it is in the best interests of the citizens of the city of Coeur d'Alene to declare that an emergency exists;

NOW THEREFORE,

I, Sandi Bloem, do hereby declare that an emergency exists requiring and demanding that in the public interest, the immediate expenditure of public money, without competitive bidding, to safeguard life, health, and property is necessary as authorized by Idaho Code Section 67-2808.

Motion by Reid, seconded by Kennedy to accept the Mayor's Declaration of Emergency and authorize staff to proceed with replacing the sewer line.

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

ORDINANCE NO. 3269
COUNCIL BILL NO. 06-1030

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, CONSENTING TO THE CHANGE OF CONTROL OF THE OWNERSHIP OF THE GRANTEE OF THE FRANCHISE GRANTED TO ADELPHIA COMMUNICATIONS CORP., TO TIME WARNER NY CABLE, LLC., TO OPERATE A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE CITY OF COEUR D'ALENE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE HEREOF.

Motion by Hassell, seconded by Edinger to pass the first reading of Council Bill No. 06-1030.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and adopt Council Bill No. 06-1030 by its having had one reading by title only.

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

RESOLUTION NO. 06-059

A REOSLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT WITH THE COEUR D'ALENE POLICE ASSOCIATION.

Motion by Edinger, seconded by Goodlander to adopt Resolution No. 06-059.

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

RESOLUTION NO. 06-060

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A CONTRACT FOR EMPLOYEE CONSULTING SERVICES, WITH ALICIA CARGILE AND LONNIE CARGILE,

HUSBAND AND WIFE.

Motion by Goodlander seconded by Kennedy to adopt Resolution 06-060.

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

RESOLUTION 06-061

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING THE CITY OF COEUR D'ALENE CLASSIFICATION AND COMPENSATION PLAN TO PROVIDE FOR THE POSITION CHIEF CIVIL DEPUTY CITY ATTORNEY PAY GRADE 18; RECLASSIFICATION FOR ASSISTANT CITY ATTORNEY FROM PAY GRADE 14 TO 15; DEPUTY CITY ATTORNEY I TO DEPUTY CITY ATTORNEY PAY GRADE 15 TO 16; DEPUTY CITY ATTORNEY ii TO CHIEF CRIMINAL ATTORNEY PAY GRADE 17 TO 18; EFFECTIVE SEPTEMBER 1, 2006 AND AMENDING THE CLASSIFICATION WAGE SCHEDULE EFFECTIVE OCTOBER 1, 2006.

Motion by Reid, seconded by Edinger to adopt Resolution 06-061.

PUBLIC COMMENTS: Mayor Bloem asked if anyone wished to address this item with no response being received.

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

PUBLIC HEARING: ZC-8-06 - ZONE CHANGE AT 3615 N. FRUITLAND LANE: Mayor Bloem read the rules of order for this public hearing. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos gave the applicants name as Lela Wilson, the location as 3615 N. Fruitland Lane and the reason for the request as a zone change from MH-8 to R-12.

Mr. Stamsos then gave the staff analysis for land use, neighborhood characteristics, Comprehensive Plan, streets, and utilities.

He reported that on August 8, 2006 the Planning Commission approved the requested zone change from MH-8 to R-12 by a 4-0 vote with the following conditions:

1. Dedication of an additional five feet (5') of right-of-way on Fruitland Lane and thirty feet (30') for the Howard Street extension.
2. Installation of the frontage improvements (curb, sidewalk, drainage facilities and pavement widening) along the Fruitland Lane frontage prior to any construction activity on the subject property. Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.

3. Signing of a Frontage Improvement Agreement for the required improvements along the future Howard Street corridor.

On September 1, 2006, 24 notices were mailed regarding tonight public hearing with responses 0 received.

PUBLIC COMMENTS: Steve Syrcle, 3712 Stack Road, spoke on behalf of the applicant and asked the Council to approve the requested zone change. He also noted that the applicants do not object to the conditions set by the Planning Commission. Eddie Keith, 3849 Stack Road, reported that the plan is to construct some very nice condominiums on this site. In response to Councilman McEvers concern of the compost facility odor, he noted that the current property owners have horses on this lot and their odor has been more apparent than the compost facility and in fact he has not noticed the Compost Facility. Councilman McEvers voiced his concern of condominiums being constructed this close to the Compost Facility and his fear that the purchasers of the condominiums will come back on the City regarding this odor. Mr. Keith announced that the condominiums are being planned to be constructed are being designed for the senior portion of our community and priced in the mid-range of approximately \$219,000 per unit.

Motion by Hassell, seconded by McEvers to approve the requested zone change from MH-8 to R-12 at 3615 N. Fruitland Lane and to adopt the Findings and Order of the Planning Commission including the three conditions.

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

PUBLIC HEARING - AMENDING 2005-2006 BUDGET: Mayor Bloem read the rules of order for this public hearing. Finance Director Troy Tymesen gave the staff report.

Mr. Tymesen reviewed the proposed changes to the 2005-2006 budget including additional revenues received and expenses not previously budgeted including transferring funds to the Self-Insurance fund and paying off Ramsey Road property, and dedicating \$300,000 to cover additional costs for the Library.

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

ORDINANCE NO. 3270

COUNCIL BILL NO. 06-1031

AN ORDINANCE AMENDING ORDINANCE 3230, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005 APPROPRIATING THE SUM OF ~~\$66,600,948~~ \$76,892,908, WHICH SUM INCLUDES ADDITIONAL MONIES RECEIVED BY THE CITY OF COEUR D'ALENE IN THE SUM OF \$10,291,960; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Hassell, seconded by Goodlander to pass the first reading of Council Bill No. 06-1031.

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

Motion by Reid, seconded by Edinger to suspend the rules and to adopt Council Bill No. 06-1031 by its having had one reading by title only.

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

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

The meeting adjourned at 7:20 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk