

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
DECEMBER 1, 2009**

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 December 1, 2009 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

Deanna Goodlander)	Members of Council Absent
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CALL TO ORDER: The meeting was called to order by Mayor Bloem.

MOMENT OF SILENCE: Councilman Edinger asked for a moment of silence for the four slain Police Officers in Lakewood, Washington and their families.

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

PRESENTATION – APPRECIATION AWARD TO CHARTER ACADEMY: Parks Director Doug Eastwood expressed the City's appreciation to the Charter Academy students for volunteering to clean the cemetery. Nancy Larsen and her students accepted the plaque from Councilman Bruning. Mayor Bloem thanked the students and commented that the power of students is amazing in what they can accomplish.

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 November 17, 2009.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, December 7th at 2:30 p.m. and 4:00 p.m. respectively.
3. RESOLUTION 09-046: 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 BID AWARD AND APPROVAL OF A CONTRACT WITH CMEC, INC. FOR DIGESTER NO. 4 AND CLARIFIER NO. 1 COATINGS PROJECT; APPROVAL TO CONTINUE THE PROFESSIONAL SERVICES AGREEMENT WITH J-U-B ENGINEERS, INC. FOR WASTEWATER COLLECTION SYSTEM CAPITAL IMPROVEMENTS; APPROVAL OF CHANGE ORDER NO. 2 WITH SHANNON

INDUSTRIAL CONTRACTORS, INC. FOR THE STORMWATER PUMP STATION REBUILD PROJECT; AND APPROVAL OF AMENDMENT NO. 3 TO THE HAWK'S NEST ANNEXATION AGREEMENT.

4. RESOLUTION 09-045: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT WITH THE COEUR D'ALENE POLICE ASSOCIATION.
5. Setting of a public hearing for Substantial Amendments to the 2009 CDBG Action Plan for January 19, 2010.
6. Approval of beer/wine license for Skippers at 327 W. Hanley Ave.
7. Approval of purchase of two vehicles for the Water Department.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN BRUNING: Councilman Bruning announced that the City has been awarded a \$6,465 grant from the Idaho Department of Lands which will be used for enhancements such as trees and shrubs at the stoplight at Riverstone Drive.

COUNCILMAN EDINGER: Councilman Edinger commended the Hagadone Corporation for the wonderful fireworks display and the Chamber for the annual Christmas parade.

APPOINTMENTS – PEDESTRIAN/BICYCLE COMMITTEE AND ANIMAL CONTROL ADVISORY BOARD: Motion by Kennedy, seconded by Bruning to appoint Thomas McTevia and Lucas Hutson to the Pedestrian/Bicycle Committee and appoint Sgt. Bill Tilson to the Animal Control Advisory Board. Motion carried.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel announced that Council members, staff and St. Vincent DePaul and Contractors NW participated in a ribbon cutting ceremony at the 18-unit HUD low income facility for people with disabilities at the intersection of Neider and Howard. She advised citizens that winter is coming and asked residents to review the City's snow plow policy which can be reviewed on the City's web site. She also noted that the Police Dept. is requesting that residents remove their boats, trailers and other vehicles parked on the streets as required by city law. The Police and Fire Departments are again organizing their Holidays and Heroes program. This is a program sponsored by the Police Officers and Firefighters in the area to assist children in purchasing Christmas gifts. She added that citizens who wish to participate may drop off cash or food donations at the Police Station. She announced the various children's programs that are being conducted at the Library throughout the month of December.

RESOLUTION NO. 09-048

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN JOINT USE OF RECREATIONAL FACILITIES AGREEMENT, WITH SCHOOL DISTRICT #271.

STAFF REPORT: Recreation Director Steve Anthony reported that the Recreation Department and School District have shared facilities for over 60 years. The current Joint Use Agreement has expired. The school district is the main provider of indoor recreational facilities for the City's programs. The city also uses school district grounds and tennis courts. The school district uses city outdoor facilities and the city prepares McEuen field and Ramsey Park fields for district baseball and softball games.

Mr. Anthony explained in his staff report that the city would contract annually to the District \$30,000.00 a year for maintenance and future gym expansion. The breakdown is 66% towards maintenance and 33% towards future gymnasium facilities. The City recognizes that the programs do have a financial impact on the district. The contracted amount will be budgeted annually by the Recreation Department. When the district builds or remodels an elementary school the gym will be built to city specifications and receive an agreement to use that gym without paying additional funds. If the district has not constructed or remodeled one new elementary school gymnasium in the next 6 years, the district will execute a 40 year agreement for the primary use of Ramsey School gymnasium. This agreement also allows the City to use facilities other than gymnasiums (cafeterias, auditoriums, and common areas).

Motion by Edinger, seconded by Hassell to adopt Resolution No. 09-048.

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

RESOLUTION NO. 09-049

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A LEASE AGREEMENT WITH RANDY AND AKIKO FOLK, dba TIKI HUT FOR THE INDEPENDENCE POINT FOOD CONCESSION.

Motion by Edinger, seconded by Bruning to adopt Resolution 09-049.

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

PUBLIC HEARING – AMENDING/ESTABLISHING CERTAIN CITY FEES: Mayor Bloem read the rules of order for this public hearing. Troy Tymesen, Finance Director, gave the staff report.

Mr. Tymesen outlined the proposed fee adjustments noting that the City Departments recently completed a review of their fee structures to assure that the various fees are current with the actual cost for services/materials being provided. As a result of that review the following fees are being recommended for adoption. The first set of fees is for the Water Department which is an enterprise fund and not a property taxpayer based fund. The fees recommending to be amended are: Overdue backflow tests with other tag fees (\$25.00); base rate for one-time bulk water purchasers (\$25.00); and, penalty for permanent bulk water station users who neglect to submit their log sheets showing usage (\$40.00). The Childcare Commission is recommending that a

new, lower fee for a Childcare License for Athletic Clubs at \$10.00 be established. He reviewed the various Recreation Department fees and noted that these proposed fees are comparable to neighboring communities. The Parks Department is recommending amendments to various fees including marina fees, various cemetery fees, and a Library food permit fee.

DISCUSSION: Councilman Edinger asked that the youth baseball, youth soccer and youth flag football fees remain the same. Steve Anthony responded that if the Council wishes to do so, they can. Councilman Edinger asked how the proposed dock access will be monitored and what is the City's liability. Doug Eastwood responded that in order to avoid overcrowding of the docks, some method of security will be required. Councilman Edinger asked how the fee will be collected on the 4th of July. Mr. Eastwood responded that the tickets will be sold in advance. City Attorney Gridley noted that if the City charges a fee that the City must use extraordinary care; however, if no fee is charged there is less liability for the City. Councilman Kennedy asked what would be the definition of food. Howard Gould responded that anytime that people set out food on tables including cookies that could be dropped onto the carpet and ground into the carpet. Councilman Hassell asked about beverages. Mr. Gould responded that spills do occur and add to the cost of maintaining the carpet. Councilman Edinger asked if the proposed cemetery fees are comparable to neighboring cemeteries. Mr. Tymesen responded that they did a review of various cemeteries and the proposed fees are comparable. Mr. Eastwood presented an overview of the comparisons of City cemetery fees to other cemeteries.

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

COUNCIL MOTIONS: Motion by Edinger, seconded by McEvers that the fees for youth baseball, youth soccer and youth flag football remain the same.

MOTION: Councilman Hassell noted that he is not opposed to raising the non-resident fees in that they do not pay property taxes to participate in the payment to the School District or upkeep.

Motion failed.

MOTION: Motion by Kennedy, seconded by McEvers to remove the library food fee.

Councilman Kennedy is opposed to charging certain groups for serving food and not charging City committees.

Motion failed.

MOTION: Motion by Edinger, seconded by Hassell to add beverage to the use of food in the Library. Motion carried.

MOTION: Motion by McEvers, seconded by Edinger to remove the \$25.00 dock fee.

Councilman Edinger voiced his concern on the liability of charging a fee for use of the dock on the 4th of July.

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

RESOLUTION NO. 09-050

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING AND AMENDING CERTAIN CITY FEES.

Motion by Hassell, seconded by Bruning to adopt Resolution 09-050 with the above-noted changes.

Motion by Edinger, seconded by McEvers amend the motion to keep the resident fees for youth baseball, youth soccer and youth flag football the same for residents and increasing the non-residents fees to \$22.00. Motion carried.

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

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

The Council met in Executive Session at 7:30 p.m. Members present 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 the regular meeting at 8:00 p.m.

RESOLUTION NO. 09-051

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING WITHERSPOON, KELLEY, DAVENPORT & TOOLE TO COMMENCE WITH CONDEMNATION PROCEEDINGS, IF NECESSARY, ON PARCELS LOCATED ON HOWARD STREET IN THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

Motion by Bruning, seconded by Hassell to adopt Resolution 09-051.

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

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

The meeting recessed at 8:05 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk