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 3, 2003

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 3, 2003 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Chris Copstead  )    Members of Council Present
Deanna Goodlander
Woody McEvers
Loren Edinger
Ben Wolfinger
Dixie Reid

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

INVOCATION: The invocation was led by Pastor Joe Donaldson, Bethel Baptist Church.

PLEDGE OF ALLEGIANCE was led by Councilman Edinger.

PRESENTATION – 2003 CITY AUDIT: Troy Tymesen, Finance Director, and Toni Hackwith, CPA, presented the 2003 Audit report. She noted that the City has a clean report. This means that the City’s annual report represents accurately the City’s accounting system. The biggest challenge for next year will be the implementation of GASB 34. Ms. Hackwith then compared the past six years activities in the General Fund, Fund Balance, revenues, sources of revenues and the water, wastewater and sanitation accounts. She noted the city’s cost for medical insurance, wages, benefits, and PERSI.

PUBLIC COMMENTS:
GARBAGE SERVICE WHEELED CARTS: Barrie MacConnell, 6107 Harcourt Drive, spoke in opposition to the proposed required wheeled carts for garbage service. Rick Seward, 1040 Hill Dr., questioned who would profit from the rental of trash cans, asked if it really is the City’s responsibility to monitor garbage cans, and wanted to know if the lease is forever or until the cart is paid. Joe Parker, 2529 Clairborne Lane, spoke in opposition to the wheeled carts. Bud Kirchoff, 2910 Fernan Court, questioned the issue of different amounts of garbage per resident and why can’t he buy a wheeled cart. Rod Forceberg, 4224 Holmes Road, opposes the rental of wheeled carts. Joyce Seward, 1040 Hill Dr., asked if the residents could have the option to purchase the can. Ken Gimball,
Waste Management, reported that they are purchasing the wheeled carts and then amortizing them through the end of their contract. He also noted that they would continue to pick up extra garbage placed next to the cans. Troy Tymesen reviewed the fee structure for the proposed wheeled carts. Steve Roberge, Waste Management, reported that he had met with Mr. Tilden (the individual who gave public testimony during the public hearing at the last Council Meeting) and they resolved the issue of his inability to roll the cart uphill.

Copies of written comment from Leah Johnson, 2021 Syringa Dr., opposing the wheeled carts, was distributed for Council review.

Motion by Edinger, seconded by Reid to move Ordinance No. 3116 forward. Motion carried.

ORDINANCE NO. 3116

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, AS FOLLOWS: SECTION 8.04.010 SHALL BE AMENDED TO PROVIDE THAT A CONTAINER WILL BE PROVIDED BY THE CONTRACTOR FOR EACH INDIVIDUAL LEVEL OF SERVICE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Copstead, seconded by Reid to pass the first reading of Ordinance No. 3116.

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

Motion by Reid, seconded by Wolfinger to suspend the rules and to adopt Ordinance No. 3116 by its having had one reading by title only.

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

RESOLUTION NO. 03-057

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO AMENDING GARBAGE COLLECTION FEES AND THE LEVELS OF SERVICE AS SET FORTH IN THE CITY OF COEUR D’ALENE’S SOLID WASTE COLLECTION AND DISPOSAL RULES, REGULATIONS AND RATES POLICY ADOPTED PURSUANT TO RESOLUTION NO. 89-01 AND AMENDED PURSUANT TO RESOLUTION NO. 91-103 AND RESOLUTION NO. 93-135 AND RESOLUTION NO. 95-036.

Motion by Copstead, seconded by Reid to adopt Resolution 03-057.
ROLL CALL: McEvers, Aye; Wolfinger, Aye; Goodlander, Aye; Copstead, Aye; Reid, Aye; Edinger, Aye; Motion carried.

PUBLIC COMMENTS Cont’d:
Rod Forceberg, 4224 Holmes Road, voiced his concern that since we will now have the garbage cans owned by Waste Management, other garbage service companies would not be able to compete in a bid process against Waste Management.

RECESS: Motion by Copstead, seconded by Edinger to recess for 10 minutes. Motion carried. The meeting recessed at 7:55 p.m. The meeting reconvened at 8:05 p.m.

PROPOSED NOISE REGULATIONS: Motion by Goodlander, seconded by Wolfinger to bring Ordinance No. 3115 forward at this time. Motion carried. Deputy City Attorney Jennifer Moore, reviewed the process which resulted in the proposed amendments to the noise regulations by moving towards a reasonable person standard.

ORDINANCE NO. 3115

AN ORDINANCE OF THE CITY OF COEUR D’ALENE, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; REPEALING CITY CODE SECTION 5.24.030; CREATING CITY CODE 5.24.035 TO PROVIDE DEFINITIONS; IDENTIFY PROHIBITED CONDUCT; PROVIDING FOR ENFORCEMENT AND PENALTIES; ESTABLISHING APPEAL PROCEDURES; PROVIDING EXEMPTIONS; CREATING A NOISE ABATEMENT BOARD; PROVIDING A REPEALED CLAUSE, A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE HEREOF.

Motion by Copstead, seconded by Wolfinger to pass the first reading of Ordinance No. 3115 with the amendment to change the Board membership to not require the Downtown member to be a City resident.

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

Motion by Wolfinger, seconded by Copstead to suspend the rules and to adopt ordinance No. 3115 by its having had one reading by title only.

ROLL CALL: Wolfinger, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye; Copstead, Aye;

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

2. Setting of General Services and Public Works Committee meetings for June 9, 2003 at 4:00 p.m.

3. RESOLUTION 03-056: 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 NOTICE OF ACCEPTANCE AND PARTICIPATION IN THE KOOTENAI COUNTY EMERGENCY OPERATIONS PLAN; APPROVAL OF AN AGREEMENT WITH COEUR D’ALENE SCHOOL DISTRICT #271, FOR EMPLOYMENT OF SCHOOL RESOURCE OFFICERS FOR THE DISTRICT’S FISCAL YEAR 2003-2004; APPROVAL OF AN AMENDED LOAN AGREEMENT WITH THE STATE OF IDAHO DEQ, FOR DESIGN AND CONSTRUCTION OF WWTP PHASE 4B; FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT AND SECURITY, FOR LEGACY PLACE AND MAINTENANCE WARRANTY.

4. Authorize the Arts Commission to advertise for proposals for creating granite benches.


7. Authorizing staff to purchase rights-of-way on Gov’t Way

8. Approval of Firework Stands for 2003 for: Mountain View Congregation at Safeway on Neider; Cd’A 1st Assembly of God at Safeway on 4th; Family Worship Center at Silverlake Mall; D.V. Moyer at Super 1 Foods; Jim Davis at Fred Meyer; D.V. Moyer at Walgreen’s; Joe Hoffman Sr. at Albertson’s; Randy Carlson at Goodwill Store; Candlelight Christian Fellowship at Cove Bowl; Scott Peterson at Runge Furniture, and; Higher Ground Apostolic Church at Blondees.


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

PUBLIC HEARING – CREATION OF L.I.D. 145 – GOVERNMENT WAY RECONSTRUCTION: Mayor Bloem read the rules of order for this public hearing. Dick Suchocki, Project Manager, gave the staff report.

Mr. Suchocki reported that the Government Way project would be completed in two phases. The first will be the installation of traffic signals at the intersections of Neider Ave. and Dalton Ave. as well as the widening of Neider Ave. and Dalton Avenue west of Government Way. Phase two will complete the widening of Government Way from the I-90 bridge to Dalton Ave. The construction of Phase Two is expected to being in the early summer of 2004. Construction of Phase One is anticipated to being by late this
Mr. Suchocki noted that approximately 90% of the costs of this project will be covered by Federal funds. The remaining 10% equaling approximately $700,000 will be assessed to the adjoining property owners.

WRITTEN COMMENTS: City Clerk Susan Weathers distributed letters from Corky Hughes from Squeaky’s Car Wash, David Patzer from Kerr Oil Company, Dan and Vicki Neff from Lake City Radiator and Auto, Art and Roberta Nelmar, Cd’A Muffler regarding the formation of LID 145.

PUBLIC COMMENTS: Jim Koontz, 1600 18th Street in Dalton, Ave, representing Andy Bush, opposes the LID because it takes away from their parking space. He suggested that there may be a monetary solution to this issue. He also stated that the City did provide him with a proposed parking plan with the increased right-of-way is; however, it is not acceptable to the owner. He did note that the parking that is currently in existence is not adequate for today’s tenants.

ORDINANCE NO. 3113

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 145 OF THE CITY OF COEUR D’ALENE, OF KOOTENAI COUNTY, IDAHO; DESCRIBING AND SETTING FORTH THE BOUNDARIES OF SAID LOCAL IMPROVEMENT DISTRICT; PROVIDING FOR THE IMPROVEMENTS TO BE MADE THEREIN; AUTHORIZING THE ADVERTISING FOR BIDS FOR SAID WORK AS PROVIDED BY LAW; PROVIDING FOR THE PAYMENT OF COSTS AND EXPENSES OF SAID IMPROVEMENTS TO BE ASSESSED AGAINST THE PROPERTY WITHIN THE DISTRICT BENEFITED THEREBY AND THE METHOD OF ASSESSMENT; PROVIDING FOR THE ISSUANCE OF LOCAL IMPROVEMENT DISTRICT BONDS AND WARRANTS; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Motion by Reid, seconded by Wolfinger to pass the first reading of Ordinance No. 3113.

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

Motion by Wolfinger, seconded by Edinger to suspend the rules and to adopt Ordinance No. 3113 by its having had one reading by title only.

ROLL CALL: Copstead, Aye; Goodlander, Aye; Wolfinger, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye. Motion carried.
SUMMARY OF ORDINANCE NO. 3113: Motion by Reid, seconded by Copstead to approve the Summary of Ordinance No. 3113 for publication purposes. ROLL CALL: Copstead, Aye; Goodlander, Aye; Wolfinger, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye. Motion carried.

PUBLIC HEARING – A-4-03 – ANNEXATION AND ZONING OF 108.56 ACRE PARCEL: Mayor Bloem read the rules of order for this public hearing. John Stamsos, Association Planner, gave the staff report.

Mr. Stamsos gave the applicants name as Prairie Falls LLC, the location as 108.56-acre parcel east of Atlas Road, south of Prairie Ave., and abutting the north boundary of Coeur d’Alene Place Subdivision, and the reason for the request as annexation and zoning of R-8.

He went on to give the staff analyses for land use, neighborhood characteristics, Comprehensive Plan, traffic and zoning. He noted that on April 22, 2003, the Planning Commission recommended approval of the R-8 zoning in conjunction with the annexation. They also approved a 359-lot subdivision called Sunshine Meadows.

He reported that on May 16, 2003, 21 notices of this public hearing were mailed with 3 responses - 1 in favor and 2 neutral. Written comments were distributed for Council review.

PUBLIC COMMENTS: Jon Mueller, 921 Front Street, spoke in support of this proposed annexation. Ray Kimball, 2104 Mark Court, P.F. consultant engineer for this project, spoke in support of this requested annexation and zoning. Jackie Malinauskas, 2750 W. Prairie Ave. voiced her concern of this development abutting agricultural community and requested that developers place fencing between the two zonings.

Motion by Reid, seconded by Edinger to approve the annexation and zoning, to adopt the Findings and Order of the Planning Commission and direct staff to negotiate an annexation agreement. ROLL CALL: Copstead, Aye; Edinger, Aye; Goodlander, Aye; McEvers, Aye; Reid, Aye; Wolfinger, Aye. Motion carried.

PUBLIC HEARING – CEMETERY FEES INCREASE: Mayor Bloem read the rules of order for this public hearing. Terry Machado, Cemetery Superintendent gave the staff report.

Mr. Machado reported that the Cemetery Fee Schedule was last adjusted in 1994. Since then, labor and supply costs have increased over the years to the point where fee adjustments are necessary. The city owned and operated cemeteries are funded through a perpetual care fund, which this fee adjustment would allow to continue to be a stable account.
PUBLIC COMMENTS: Mayor Bloem called for public comments with none being received.

Motion by Copstead, seconded by Edinger to approve the cemetery fee increase and direct staff to prepare the appropriate resolution setting the new fees. Motion carried.

BIKEWAYS PLAN COMMITTEE: Councilman Copstead announced that the Parks and Recreation Commission would like to invite anyone interested to attend a meeting on June 4th at 5:30 p.m. help develop the goals and objectives for the Bikeways Plan Committee to develop a Bikeways/Pedestrian Master Plan for the City.

KIDS BICYCLE RIDE: Councilman Copstead announced that there will be a Kids bicycle ride and registration is free. For more information, contact the Recreation Department.

FINS AND FEATHERS ANNUAL FISHING DERBY: Councilman Copstead announced that the annual Fins and Feathers Fishing derby will be held June 7th and the admission is free.

YOUTH SOFTBALL: Councilman Copstead announced that youth softball registrations begins June 13th. He also noted that 115 adult softball teams have registered this year.

CITY SWIM PROGRAM: Councilman Copstead read a letter extending compliments to the Recreation Department’s Swim Program at the McGrane Center.

WATERCOLOR DEMONSTRATION: Councilman Copstead announced that there will be a watercolor demonstration at the Jewett House, Thursday, June 26th and Tuesday, July 1st. For more information, please call the Jewett House.

DIANA BOOTH THANKED: Council President Reid complimented Diana Booth for fielding all the calls regarding the flood as a result of the downpour last Friday. She noted that 1.21” of rain fell in one hour that day.

AMERICAN LEGION FUNDRAISER: Councilman Wolfinger announced that on June 8th, the American Legion will be holding their annual Spaghetti Feed fundraiser.

SUMMER ATTIRE: Councilman Wolfinger reminded staff that from Memorial Day through Labor Day there is a rule of no ties during the summer.
MOOSE ART: Councilman Goodlander announced that the Excel Foundation will be buying several large moose for the Arts Commission to decorate. This project is similar to what New York did with cows. At the end of the decoration the moose will be auctioned off.

AIC CONFERENCE: Mayor Bloem announced that in two weeks the City will be hosting the AIC conference and expressed her pride in how beautiful the City looks and all the efforts that staff has taken to prepare the City for this summer.

EXECUTIVE TEAM REPORT: Executive Team Representative, Jim Markley, that this year's Shoebox Treasures received 49 boxes for the children at Children's Village. The Municipal Services Staff would like to extend a heart-felt thanks to all of those who contributed this year. We are looking for individuals who are interested in serving on the newly created Parks Foundation. Please call 769-2204 for an application. The City of Coeur d'Alene brought Engine #323 to Fire Station 3 on 15th Street. It will serve a dual role, in that it can be used as both a water pumper truck, and for extrication and rescue. The City is currently accepting applications for Firefighter, Library Electronic Information Systems Coordinator and an Information Technology Database Applications Developer. If interested please access the City's website at www.cdaid.org or call Human Resources at 769-2391 for more information and an application. The next 6 weeks or so are going to be an extremely busy time for the Coeur d'Alene City team. City staff will be hosting about 600 guests attending the Association of Idaho Cities Conference June 18th and 20th, then over 2,000 Ironman contestants and 30,000 spectators will be here the week of June 29th. Next is the Car d'Lane June 13th and 14th, and then we go right into the 4th of July celebration. Thank you on behalf of all staff for the extra hours that have been put in due to the conversion of software in the Finance Department - so thanks to Troy and his staff for all their efforts.

ORDINANCE NO. 3114

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, AS FOLLOWS: SECTION 15.12.020 SHALL BE AMENDED TO PROVIDE THAT FEES SHALL BE SET BY RESOLUTION OF THE CITY COUNCIL; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Copstead, seconded by Wolfinger to pass the first reading of Ordinance No. 3114.

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

Motion by , seconded by to suspend the rules and to adopt Ordinance No. 3114 by its having had one reading by title only.
ROLL CALL: Goodlander, Aye; Wolfinger, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye; Copstead, Aye. Motion carried.

Goodlander, Aye. Motion carried.

RESOLUTION 03-058

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING PERSONNEL RULE XXIII, ENTITLED POLICIES FOR DISCRIMINATORY HARASSMENT, INCLUDING SEXUAL HARASSMENT; AMENDING PERSONNEL RULE I, SECTION 4, TO EXCLUDE LIBRARY EMPLOYEES FROM THE EXCEPTIONS TO COMPETITIVE SERVICES; AMENDING PERSONNEL RULE V TO CORRECT SOME GRAMMATICAL ERRORS, ADD THE APPROPRIATE LIBRARY EMPLOYEES TO THE EXEMPTION FROM OVERTIME LIST, AND TO CLARIFY FLSA REGULATIONS REGARDING COMPENSATORY TIME ACCRUALS; AMENDING PERSONNEL RULE VIII, SECTION 4 TO CLARIFY REFERENCES TO PERSONNEL OFFICER, AND TO REMOVE THE REQUIREMENT THAT A POLICE PROMOTIONAL CANDIDATE BE REMOVED AFTER THEY HAVE BEEN PASSED OVER FOR SELECTION THREE (3) TIMES; AMENDING PERSONNEL RULE XI, SECTION 3, TO CLARIFY THAT OPTION TWO IS INTENDED FOR CITY OF COEUR D’ALENE EMPLOYEE RETIREMENTS; AMENDING PERSONNEL RULE XI, SECTION 9, TO CLARIFY THE HOLIDAYS OBSERVED BY EMPLOYEES, AND CLARIFY THOSE HOLIDAYS PROVIDED TO LIBRARY EMPLOYEES UNTIL JANUARY 1, 2004; AND AMENDING PERSONNEL RULE XI, SECTION 11, TO REMOVE THE REQUIREMENT FOR UTILIZING COMP TIME UNDER FAMILY AND MEDICAL LEAVE; AMENDING PERSONNEL RULE XIII, SECTION 1, TO CLARIFY REFERENCES TO PERSONNEL OFFICER; AMENDING PERSONNEL RULE XIII, SECTION 2, TO CLARIFY REFERENCES TO PERSONNEL OFFICER, AND TO ADD THAT POLICE PERSONNEL MAY TEST FOR PROMOTIONS TO THE NEXT HIGHER RANK, BE PLACED ON THE LIST, BUT NOT BE SELECTED FOR PROMOTION UNTIL CERTIFICATION REQUIREMENTS HAVE BEEN MET; AMENDING PERSONNEL RULE XVI, TO PROVIDE THAT THE APPELLANT AND/OR THEIR REPRESENTATIVE BE PRESENT AT THE HEARING, AND MAKE SOME GRAMMATICAL AMENDMENTS; AND AMENDING PERSONNEL RULE XXI, DRUG POLICY, SECTION 3, TO CORRECT SOME MINOR GRAMMATICAL CHANGES, AND TO ADD HEAVY EQUIPMENT OPERATOR, CHILDREN’S LIBRARIAN, BOOKKEEPER/TECHNICAL SERVICES CLERK, AND PUBLIC RELATIONS VOLUNTEER COORDINATOR TO THE SAFETY SENSITIVE CLASSIFICATION LIST; AND TO AMEND THE CLASSIFICATION AND COMPENSATION PLANS TO ADD LIBRARY ELECTRONIC INFORMATION SYSTEMS COORDINATOR AND INFORMATION TECHNOLOGY (IT) DATABASE APPLICATIONS DEVELOPER.

Motion by Reid, seconded by Copstead to adopt Resolution 03-058.
ROLL CALL:  Reid, Aye; Edinger, Aye; Goodlander, Aye; Copstead, Aye; Wolfinger, Aye; McEvers, Aye.  Motion carried.

**EXECUTIVE SESSION:**  Motion by Reid, seconded by Copstead to enter into Executive Session as provided by I.C. 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:  Reid, Aye; Goodlander, Aye; Edinger, Aye; Wolfinger, Aye; Copstead, Aye; McEvers, Aye.   Motion carried.

The session began at 9:50 p.m.  Members present were the Mayor, City Council, City Administrator and City Attorney.

Matters discussed were those of personnel matters, labor negotiations, property acquisition and legal issues.  No action was taken and the Council returned to regular session at 10:40 p.m.

**LEGAL INTERN:**  Motion by Edinger, seconded by McEvers to authorize Doug Barnes, the City’s Legal Intern, to represent the City in legal matters.  Motion carried.

**621 LAKESIDE AVE.**: Motion by Wolfinger, seconded by Edinger to approve the Offer of Compromise in the 621 Lakeside Avenue issue. Motion carried.

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

The meeting adjourned at 10:42 p.m.

_____________________________
Sandi Bloem, Mayor

ATTEST:

_____________________________
Susan K. Weathers, City Clerk