

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL,
FEBRUARY 3, 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 February 3, 2004 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

INVOCATION: The invocation was led by Troy Tymesen.

PLEDGE OF ALLEGIANCE was led by Councilman Edinger.

PROCLAMATION: "DOMESTIC VIOLENCE PREVENTION MONTH": Mayor Bloem proclaimed the month of February as "Domestic Violence Prevention Month" in the City. Shirley Thagard, representing the Soroptimists, reviewed the programs available for women and children for support in domestic violence cases.

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

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

1. Approval of minutes for January 14, 20, 2003.
2. Setting the General Services Committee and Public Works Committee meetings for Feb. 9, 2004 at 4:00 p.m.
3. RESOLUTION 04-030: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR PROFESSIONAL SERVICES TO CONDUCT

CUSTOMER SERVICE AND TEAM BUILDING TRAINING WITH
MCGAUGHEY ENTERPRISES.NET, INC.

4. Acceptance of Rights-of-way, Government Way Project, Phase 2.
5. Setting of public hearing for V-04-1 - Vacation of a portion of 18th Street and Pine Avenue in Kaesmeyer Addition for March 2, 2004.
6. Acceptance of bid for the purchase of a closed circuit television inspection system for the Wastewater Treatment Plan.
7. Acceptance of quote from Knudtsen Chevrolet for the purchase of a 1/2-ton truck for the Water Dept.
8. Approval of cemetery lot transfers from Rhonda Bomar to Rhonda Harvitt and from George LeGore to Shirley and Jerry Kjos.

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

PUBLIC HEARING – CREATION OF A STORMWATER UTILITY AND SETTING OF RATE STRUCTURE: Mayor Bloem read the rules of order for this public hearing. Dan Yake, Stormwater Coordinator and Tom Messina, Chairman of the Citizens Advisory Committee gave the staff report.

Mr. Messina reported that the majority of the citizens of Coeur d'Alene believe that something needs to be done with the storm water system in Coeur d'Alene. Currently the City has an aging and inadequate storm water system that is not routinely maintained. The system also needs to be brought up to Federal standards. The Committee is proposing a \$5.00/month fee for residential homes. On behalf of the Committee, they are recommending the creation of a storm water utility.

Mr. Yake reported that 18 months ago the Mayor and Council appointed a Stormwater Citizen's Advisory Committee to analyze the future Stormwater control needs for the City of Coeur d'Alene. He noted that by establishing a Stormwater utility it would ensure that Lake Coeur d'Alene remains clean, which is critical to the economic vitality of the region's business community. A Stormwater utility with dedicated funding will also be in compliance with the provisions of the National Pollution Discharge Elimination System (NPDES) Phase II permit.

He reviewed the basis for the proposed rates noting that the service charge will be a "fee for service" and the rates will be set by resolution. Residential properties will pay a fixed rate. Commercial/institutional/multi-family properties will pay a rate based upon the total impervious surface. Commercial/impervious properties will also be eligible to request service charge credits when Stormwater controls on their properties exceed existing Ordinance requirements.

He reported that the Citizen's Advisory Committee is recommending an initial residential rate charge of \$5.00 per month.

PUBLIC COMMENTS: Motion by Reid, seconded by Edinger to limit the comments to 3 minutes. ROLL CALL: Goodlander No; Edinger, Aye; Wolfinger, Aye; Hasell, No; McEvers, No; Reid, Aye. Motion failed with the Mayor voting no.

Rick Seward, 1315 N. Hill Dr. Cd'A, is a member of the Kootenai County Flood Mitigation Committee. This committee has improved areas in the French Gulch area, Cataldo and Cougar Gulch as well as Hauser Lake. He spoke in support of the storm water utility. Doris Panell, 2815 Bistlecone Dr., a member of the Citizens Advisory Committee, spoke in support of the storm water utility, but wanted to know if other communities and the county will be participating in this program. She also is concerned about not having a master plan in place prior to creating this utility. As a homeowner she also has a concern about what will be the enforcement component to this utility. Tom Margozewitz, 2858 White Pines Dr., expressed his concerns about the swale in front of his home, which is not functioning and is inadequate and wanted to know what is the homeowner's cost to repair this having followed city code to create the swale. Mark Grannis, 3618 E. Pinehill Dr., asked if a commercial facility upgraded its storm water system would they be eligible to receive the proposed credits for commercial businesses. He also feels that charging a utility fee prior to creating a master plan is backwards. He also noted that Panhandle Health and DEQ have several brochures for education and the proposed budgeted amount for education needs to be addressed. He voiced his concern about all the fees being placed on residents especially the residents who are on fixed incomes. Dick Martindale, representing Panhandle Health District, spoke in support of the implementation of the storm water utility and recommended that the Citizens Advisory Committee continue to review and make recommendations regarding this utility. He also noted that Panhandle Health District, through meetings with the cities and county, decided that each city would be responsible for storm water management as opposed to Panhandle Health overseeing this program. Dale Marcy, 1086 Medina Ave., a member of the Citizen Advisory Committee, spoke in support of the creation of a storm water utility. Tom Messina, 4304 E. Mullan Trail Road, Chairman of the Citizens Advisory Committee, spoke in support of the creation of a storm water utility and the continuation of the Advisory Committee. Tom Torgerson, 4808 Fernan Hill Road, speaking on behalf of the Board of Realtors, spoke in support of the creation of a storm water utility and feels this is a proactive approach to the protection of our lake, but does have a concern of continuing the storm water outfall into the lake. He voiced his concern that the capital outlay is inadequate to address the real needs for controlling storm water flow. He does not agree with the formula for charging businesses this utility. He also feels that the utility fee should not be instituted until all the questions have been addressed. Mike Piper 3650 E. Lancaster Road, Hayden Lake, Idaho, agrees with the realtor (Tom Torgerson). He cautioned that if the City builds a utility, there better be some teeth to it. Joe Corege, 3600 Fernan Hill Road, spoke in opposition to the creation of a storm water utility, but recommended that the sanitation department and departments that are currently handling storm water look at doing a bond. Opposes the \$5.00 a month for seniors in that they would have to forego a prescription to pay this utility. Also, suggested using property taxes to implement this program. Kim Long, 1101 N. 2nd Street, wanted to know what he

would get if he paid \$5.00 more a month in utility bills. He approves paying for the other utilities such as garbage, water, leaf pickup, but he doesn't know what he would get for the \$5.00. Tiffany Allgood, 610 S. 14th Street, approves the continuation of the Citizen Advisory Committee and spoke in support of the creation of a storm water utility. Greg Mooney, resident of Kootenai County, wants a clean lake but has a concern about the lack of a master plan and there appears to be an existing department that could handle storm water. He does believe that a \$5.00 rate is too much and should be a lesser amount that could go towards the development of a master plan. Diane Koefod, 534 Ichabod Lane, believes that the City needs to know exactly where the existing system is before we proceed. Gordon Bronson, 1625 Melrose, representing Kootenai Medical Center, spoke in support of the creation of a storm water utility even though their monthly fee would be \$450 a month. Sandy Jacobs, 1512 Gilbert Ave., commended the Council for addressing this issue. He is one of the 100 locations where storm water is a problem and is willing to pay \$2, \$3, \$4 or \$5 a month to correct this problem.

Council President Reid asked that the Committee and staff provide answers to some of the issues presented tonight, such as how are we going to enforce this, can you get the commercial credit if you bring their property up to standards the issues brought up by Mr. Torgerson. In reference to Mr. Long's comment of what are we going to get, we need to get a plan and we need to be able to say this is what's going to happen. In regards to Mr. Mooney's idea of starting out with \$2 a month, what could you get done for \$2 a month? She noted that Mr. Jacobs' comments of doing it right now, is correct, but we need to wait a couple of weeks to get these answers. Councilman Wolfinger questioned about the impervious surface ratio and also why it may not be a good idea to use the General Fund for this utility. Councilman Hassell would also like to have the committee continue their efforts. He would also would like an answer to the questions of why can't we do the storm water within an existing structure, could we use impact fees, mapping of the current system needs to be done in order to be accurate so we can determine what capital needs are really necessary. Councilman McEvers would like to see the engineers enforce the swale regulations and require builders to create workable swales in new construction areas, also we need to look at enforcement overall and also what can we do for fixed income residents. Motion by Reid, seconded by Goodlander to continue this hearing to March 16th, 2004. ROLL CALL: Goodlander, Aye; Edinger, Aye; Wolfinger, Aye; Hassell, Aye; McEvers, Aye; Reid, Aye. Motion carried.

RECESS: Mayor Bloem called for a 10 minutes recess at 8:50 p.m. The meeting reconvened at 9:00 p.m.

STREET DEPT. THANKED: Councilman Edinger read a letter from Margaret Hare, 408 Vista Drive, complimenting the Street Dept. for their use of the snow gates in her area.

CRANBROOK READING CHALLENGE: Councilman Goodlander announced that the month of February is the annual readers challenge with our Sister City, Cranbrook.

The challenge is to see which city can read the most books during the month of February and encouraged all residents to participate in this reading challenge.

ARTWORK IN COUNCIL CHAMBERS: Councilman Wolfinger introduced the new artwork in the Council Chambers provided by artist Dianne Munkittick.

CHILD SAFETY AWARENESS MONTH: Councilman Wolfinger announced this February is Child Safety Month and remember to buckle your child in an acceptable car seat.

POLICE DEPARTMENT PROMOTIONS: Councilman Wolfinger announced that a ceremony for Police Department promotions will be held tomorrow at the Police Department at 3:00 p.m. and welcomed the public to attend. He noted that the promotions are for a Captain, Lieutenant and Sergeant.

RECREATION DEPARTMENT REPORT: Councilman Hassell announced that the Recreation Department is currently taking registrations for youth dance lessons for ages 5 through 9. Throughout the month of February registration is open for The North Idaho College/Recreation Department Youth Volleyball program for grades 1-8. The fee is \$20.00.

IRONMAN COMMUNITY FUND: The Ironman Community Fund has money available for area youth activities. If you have any youth activities and would like financial assistance, please contact the Recreation Department or Janet Flerchinger for an application.

APPOINTMENT - NOISE ABATEMENT BOARD: Motion by Edinger, seconded by Wolfinger to appoint Aaron Robb to the Noise Abatement Board. Motion carried.

GRANT APPLICATION FOR COSTCO: Mayor Bloem thanked Councilman Ben Wolfinger for representing the City for a grant for Costco. The application was approved by the review committee and is now awaiting signature by the Governor.

RESOLUTION 04-032

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN EXTENSION TO THE LEASE AGREEMENT WITH GORDON AND DAWNA ANDREA D/B/A FUNTASTIC FOODS, ITS PRINCIPAL PLACE OF BUSINESS AT 726 W. DAKOTA, HAYDEN LAKE, IDAHO 83835.

Motion by Hassell, seconded by Edinger to adopt Resolution 04-032.

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

RECREATION DEPARTMENT REFUND POLICY: Motion by Hassell, seconded by Wolfinger to approve the Recreation Department issuing credit for recreation activities instead of cash refunds. Motion carried.

PURCHASE OF ANNIE AVENUE WELL SITE: Motion by Reid, seconded by McEvers to approve the purchase of the Annie Avenue well site for \$75,000 contingent upon the 7th Day Adventist Church approving the sale to the City. Motion carried.

EXECUTIVE SESSION: Motion by Reid, seconded by Hassell 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: Goodlander, Aye; Edinger, Aye; Wolfinger, Aye; Hassell, Aye; McEvers, Aye; Reid, Aye. Motion carried. Motion carried.

The session began at 9:15 p.m. Members present were the Mayor, City Council and City Administrator.

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 9:55 p.m.

PARKS FOUNDATION: Council received information from staff regarding the newly formed Parks Foundation.

EMS: Council received information regarding EMS activities.

RIGHTS-OF-WAY ACQUISITION: Motion by Wolfinger, seconded by Edinger to retain the law firm of Witherspoon Kelley to provide legal services associated with rights-of-way acquisition. Motion carried.

EXECUTIVE SESSION CONTINUED: Motion by Wolfinger, seconded by Edinger to return to Executive Session as provided by I.C. 67-2345, Subsections A and B as noted above. **ROLL CALL:** Goodlander, Aye; Edinger, Aye; Wolfinger, Aye; McEvers, Aye; Reid, Aye; Hassell, Aye. Motion carried.

The session reconvened at 10:05 p.m. Matters discussed were those of personnel. No action was taken and the returned to regular session at 10:20 p.m.

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

The meeting recessed at 10:20 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk