

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT THE LIBRARY COMMUNITY ROOM  
SEPTEMBER 2, 2008**

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 2, 2008 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem

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

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

**INVOCATION** was led by Pastor Phil Muthersbaugh from Life Source Community Church.

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

**PUBLIC COMMENTS:**

NEIGHBORHOOD TRAFFIC: Sharon Alexander, 3203 N. 9<sup>th</sup> St. requested a better definition for group homes and asked how the Council is going to handle off-street parking for pocket homes. She also noted that in her neighborhood between the apartment complex, construction trailers, and extra vehicles of residences it is almost impossible to have two-way traffic on her street. Additionally the "Do Not Enter" signs are not noticeable and should be corrected.

**CONSENT CALENDAR:** Motion by Hassell, seconded by McEvers to approve the Consent Calendar as presented but to move the bid award for the cemetery fence off the Consent Calendar.

1. Approval of minutes for August 19, 2008.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, September 8<sup>th</sup> at Noon and 4:00 p.m. respectively.
3. RESOLUTION 08-049: 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. 1 TO THE KMPO COOPERATIVE SERVICES AGREEMENT FOR US-95 ACCESS STUDY; APPROVAL OF S-6-05 – ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR COEUR D' ALENE

PLACE, 16TH ADDITION; APPROVAL OF S-3-08 – ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR THE COTTAGES ON GOVERNMENT WAY; APPROVAL OF S-6-08 – FINAL PLAT APPROVAL, ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR PROVENCE 20; APPROVAL OF S-2-08 – FINAL PLAT AGREEMENT AND SUBDIVISION IMPROVEMENT AGREEMENT FOR PRINCETOWN AT WATERFORD; RATIFYING AMENDMENT NO. 1 TO THE AGREEMENT ADOPTED PER RESOLUTION NO. 07-061 WITH PANHANDLE AREA COUNCIL FOR THE SAFE SIDEWALKS TO SCHOOL PROJECT AND BID AWARD AND APPROVAL OF A CONTRACT WITH NORTHWEST FENCE FOR FOREST AND RIVERVIEW CEMETERY FENCE REPLACEMENT.

4. Approval of cemetery lot repurchase from Burton and Vivene Near.
5. Approval of cemetery lot transfer from Daryl and Ann Valenti to David and Zelda Nosler.
6. Setting of Public Hearings: V-08-2 - vacation of a portion of N-S alley in Block 10, Aresvik Addition for October 21, 2008, and: V-08-3 - vacation of right-of-way on the Northgate Condominium plat for October 7, 2008.
7. SS-17-05 0 Final Plat Approval for Glacier NS-Seltice.
8. Acceptance of utility easement from Glacier Partners.

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

BID AWARD FOR CEMETERY FENCING: Jon Ingalls, Deputy City Administrator, reported that the City had received four bids for fencing with Northwest Fence providing the lowest responsive bid. He noted that issues have arisen which are that the Cemetery Advisory Board would like to have cast iron fencing and two bidders have presented bids for tubular fencing from Ameristar. Both bids meet the bid specifications and in particular the Northwest Fence bid provided what is believed to be the best fencing for the Cemetery. He reported that funding for this project is coming out of the Perpetual Care Fund as approved by the Council in March of this year.

Councilman Goodlander noted that a bidder from Spokane proposed to bid a cast-iron fence manufactured in China but does not have a current public works contractor's license. She also noted that the low bidder's proposed product has a 20-year guarantee. She believes that this product has the same profile as the cast-iron fencing as well as being a wise long-term decision for the Cemetery. Councilman Bruning also commented that he had looked at the proposed fencing at Northwest Fence and, compared to cast-iron, he believes that the tubular steel fencing is superior in maintenance-free fencing. Councilman Hassell asked if this fencing will require a change in the funding of the Perpetual Care Fund. Mr. Tymesen responded that after reviewing the fund, the additional niche sales would cover this expenditure.

Motion by Edinger, seconded by Goodlander to award the cemetery fencing bid to Northwest Fencing. ROLL CALL: Kennedy, Aye; McEvers, Aye; Bruning, Aye;

Edinger, Aye; Hassell, Aye; Goodlander, Aye. Motion carried.

**COUNCIL ANNOUNCEMENTS:**

COUNCILMAN MCEVERS: Councilman McEvers reported that he had been talking with a reporter who asked him about his comment that urban renewal is a “bucket of money” and feels that maybe citizens do not feel that he supports urban renewal. He responded that although he has a few occasional concerns the bottom line is that the LCDC Board members do a good job and he supports the Board’s time and efforts.

COUNCILMAN HASSELL: Councilman Hassell commented that LCDC does not have free reign in that there are laws that regulate how the funds are used.

COUNCILMAN EDINGER: Councilman Edinger noted that this was the first day of school and asked citizens to remember to drive safely and watch for children going to and from school.

COUNCILMAN GOODLANDER: On September 13<sup>th</sup> the “Mudgy and Millie” bronzes will be introduced to the public. Additionally, on September 3<sup>rd</sup> Governor Otter will be here to proclaim that day as “Mudgy and Millie Day” in Idaho. She announced that the book is available through the City web site and the Library web site and if purchased prior to September 13<sup>th</sup>, the purchased book will be signed by the author and 100% of the proceeds of the book sale prior to September 13<sup>th</sup> will go to the Library Foundation.

COUNCILMAN HASSELL: Councilman Hassell announced that there will be a US-95 public access planning meeting on September 9th. Additionally, on September 11th there will be a Midtown Planning meeting at 6:00 p.m. in the School District's Mid-Town meeting room.

COUNCILMAN KENNEDY: Councilman Kennedy announced that on Monday, September 15th, at 5:30 p.m. the public is invited to attend the homelessness meeting. He noted that the location of this meeting has not yet been determined.

**APPOINTMENTS - CDA TV COMMITTEE and CHILDCARE COMMISSION:**

Motion by Kennedy, seconded by Edinger to appoint Dr. Kathleen Wilcox and Dr. Jay Lee to the CDA TV Committee and reappoint Linda Falk and Doug Fagerness to the Childcare Commission. Motion carried.

**ADMINISTRATOR'S REPORT:** City Administrator Wendy Gabriel announced that applications for the City's HUD Community Block Grant for Minor Home Repair program are now available. More Education Corridor forums have been scheduled for September, the first on September 23rd at 12:00 noon in the Midtown School District meeting room and the second on September 25th at NIC in the Student Union Building at 7:00 a.m. Applications are now available on the City's web site for the Mayor's Awards in the Arts. The Awards banquet will be held on October 9<sup>th</sup> at 6:00 p.m. at Brix Restaurant. The City is now accepting utility billing payments on line. City Council

meetings can now be viewed on the City's web site. Applications for Police Officers, report takers and Wastewater operators are now available. Our City Police and Fire Depts. are at the area schools making banners and other items to help promote safety for children going to and from school. She noted that the penalty for excess speed in school zones is \$100.

**COUNCIL BILL NO. 08-1014 - CODE CLARIFICATION ON PRIVATE**

**SWIMMING POOLS:** City Planner, Dave Yadon, explained that staff is requesting clarification of whether to retain the requirements of a 6' fence, hours of operation, no amplified sound equipment and parking requirements currently in the City code and to remove the remaining city codes in conflict with IRC regulations. Motion by Edinger, seconded by Bruning to retain the 6' fence requirement, the hours of operation for swimming lessons, the no amplified sound equipment and parking requirements of City Code Chapter 8.20 and to direct staff to prepare the appropriate ordinance amendments. Motion carried.

**PRESCRIBED FIRE BURN - TUBBS HILL:** Karen Haskew, Urban Forester, explained the benefits of a prescribed burn, gave the locations on Tubbs Hill that will have the prescribed burn, and the use of a mechanical treatment prior to the prescribed burn. Councilman Edinger noted that the Tubbs Hill Foundation has some funds to help with the cost of the mechanical treatment. Motion by Edinger, seconded by Hassell to authorize staff to proceed with the fall prescribed burn in the east and west areas of Tubbs Hill to achieve fire and vegetation management and authorize staff to look at the mechanical treatment prior to the burning. Motion carried.

**ORDINANCE NO. 3338  
COUNCIL BILL NO. 08-1015**

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING PORTIONS OF UNDEVELOPED EASEMENTS IN RIVERSTONE WEST SUBDIVISION, RECORDED IN BOOK J OF PLATS, PAGES 339/A/B/, AND, RIVERSTONE WEST 1<sup>ST</sup> ADDITION RECORDED IN BOOK J OF PLATS, PAGES 488/A, RECORDS OF KOOTENAI COUNTY, COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Hassell, seconded by Bruning to pass the first reading of Council Bill No. 08-1015.

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

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 08-1015 by its having had one reading by title only.

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

**PUBLIC HEARING - APPEAL OF THE DENIAL OF TREE REMOVAL ON PUBLIC RIGHT-OF-WAY AT 103 W. IDAHO AVENUE:** Mayor Bloem read the rules of order for this public hearing. No conflict of interest was declared by the Council. Karen Haskew, Urban Forester, gave the staff report.

Mrs. Haskew reported that the appellant, M. Colleen Allison, at 103 W. Idaho Avenue had requested that she be allowed to remove a corkscrew willow tree because of a root that is starting to lift the sidewalk. The Urban Forestry Committee reviewed her request with the following recommendations: Two members agreed that this problem could/should be solved at this point in time with removal and replacement of the tree; three members did not feel that the sidewalk conflict was sufficient reason to remove the tree at this time. Two of the five members then suggested that Ms. Allison plant a replacement tree now and apply to remove the curly willow once the replacement tree was established. The Committee members were not able to reach a consensus decision with their differing views as previously noted. Mrs. Haskew reported that the average score of the five inspections was -27.4 which is insufficient for a removal permit.

Mrs. Allison submitted a letter of appeal stating that she did not want to pre-plant a replacement because she wanted the new tree to be in the same spot as the willow due to traffic visibility at the alley. Following Mrs. Allison's appeal letter, one of the Committee members modified their original recommendation to retain the tree while establishing a new tree.

In summary, Mrs. Haskew noted that the existing willow tree is healthy and in good condition and is providing some value to the street and neighborhood; however, it is still a young tree and is already causing sidewalk problems. She noted that sidewalk problems can often be solved by some root pruning and modification of the sidewalk, but this particular species does have a shallow root system that could continue to cause problems.

**PUBLIC COMMENTS:** Mrs. Allison, homeowner of 103 W. Idaho Ave., explained that 5 years ago she planted the willow tree and shortly thereafter the tree began lifting the sidewalk which now poses a tripping hazard for anyone using the sidewalk. She is willing to replace the tree if she is permitted to remove the existing willow tree.

Motion by Kennedy, seconded by Edinger to reverse the decision to deny the removal of the corkscrew willow tree and require that a replacement tree be planted at this site.

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

**RECESS:** Motion by Edinger, seconded by Kennedy to have a five-minute recess. Motion carried. The meeting recess at 7:25 p.m. The meeting reconvened at 7:33 p.m.

**PUBLIC HEARING - ANNUAL APPROPRIATIONS FOR FY 2008-2009:** Mayor Bloem read the rules of order for this public hearing. Troy Tymesen, Finance Director, gave the staff report.

Mr. Tymesen reviewed the process that brings the proposed budget before the Council tonight. Two major points to this budget tonight are to ask for public input and to ask for \$16,461,768 from property taxes. He highlighted the priorities set by the Council this spring and which priorities are included in the proposed budget. He noted that this financial plan includes use of impact fees to construct the Landings Park, foregone taxes for the Sidewalk Improvement Program (ADA), construction of a brine solution de-icer facility, increased part-time staffing at the Library, Skate Park improvements, an advanced wastewater demonstration project, increased staffing in Water and Wastewater, and increased overlay funding which is now at \$650,000. The total budget is asked to be set at \$77,234,108 with property taxes funding \$16,461,768 of the total budget. He reported that new growth valuation this year is at \$120,525,135. He noted that the budget includes the use of foregone taxes for the supplemental foregone levy to correct the error by Kootenai County and the Sidewalk Improvement Program (ADA).

Councilman Edinger asked Mr. Tymesen to explain the use of Parks Capital Improvement Funds for constructing the Landings Park instead of hiring more Police and Fire. Mr. Tymesen responded that the Parks Capital Improvement Fund is a dedicated fund in which State Law requires these funds to only be used to construct new parks. He noted that these funds cannot be used for parks staff or even maintenance of parks. Councilman Hassell explained that Impact Fees can only be used for capital improvements and not for additional personnel.

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

ORDINANCE NO. 3339  
COUNCIL BILL NO. 08-1016

AN ORDINANCE ENTITLED "THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008" APPROPRIATING THE SUM OF \$77,234,108 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF COEUR D'ALENE FOR SAID YEAR; LEVYING A SUFFICIENT TAX UPON THE TAXABLE PROPERTY WITHIN SAID CITY FOR GENERAL REVENUE PURPOSES FOR WHICH SUCH APPROPRIATION IS MADE; LEVYING SPECIAL TAXES UPON THE TAXABLE PROPERTY WITH SAID CITY FOR SPECIAL REVENUE PURPOSES WITHIN THE LIMITS OF SAID CITY OF COEUR D'ALENE, IDAHO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Hassell, seconded by Edinger to pass the first reading of Council Bill No. 08-1016.

**COUNCIL DISCUSSION:** Councilman Kennedy noted that the cost of constructing parks increases 10-12% a year yet the capital improvement funds only increase 2% per year, so it is more fiscally responsible to construct the Landings Park this year than to wait. He also noted that several citizens that had discussed the proposed budget with him did not realize that the City does not have a bed tax. He urged residents to call upon their legislators to lift the population limit on cities that can charge a bed tax. Councilman Edinger thanked Finance Director Troy Tymesen, Deputy Finance Director Vonnie Jensen and the Department Heads for putting this budget together and presenting a balanced budget.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 08-1016 by its having had one reading by title only.

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

**EXECUTIVE SESSION:** Motion by Goodlander, seconded by Hassell 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; and § J: To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement.

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

The session began at 8:10 p.m. Members present were the Mayor, City Council, Deputy City Administrator and City Attorney.

Matters discussed were those of property acquisition. No action was taken and the Council returned to their regular meeting at 8:45 p.m.

**CLAIMS:** Motion by Edinger, seconded by Goodlander to take action as discussed in Executive Session and as recommended by the City Attorney in the Griesbach, Hill and Halpin claims. Motion carried.

**ADJOURNMENT:** Motion by Hassell, seconded by Kennedy that, there being no further business for the Council, this meeting be adjourned. Motion carried.

The meeting recessed at 8:45 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, CMC  
City Clerk