



Coeur d'Alene

CITY COUNCIL MEETING

JANUARY 4, 2011

MEMBERS OF THE CITY COUNCIL:

Sandi Bloem, Mayor

Councilmen Edinger, Goodlander, McEvers, Bruning, Hassell, Kennedy

CONSENT CALENDAR

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
December 21, 2010**

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 21, 2010 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

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

PRESENTATIONS:

HISTORY OF POLICE DEPARTMENT: Police Chief Wayne Longo and COPS Volunteer Carmen LaRosa presented an overview of the Police Department over the years from 1887 to 2010. He noted that this presentation will soon be available on the City's Police Department web site.

PUBLIC COMMENT:

CAPITALIST PAPERS: Marc Shumaker, 1310 Coeur d'Alene Avenue, reported that a newspaper called Capitalist Papers is being distributed to various neighborhoods in the City. He opposes this newspaper as it proposes hate against gays and lesbians and makes several erroneous statements against this segment of the population. He noted that this newspaper was available at the Library until he brought it to their attention. He noted that this newspaper is published by Michelle Garcia of Wildfire Marketing in Hayden, Idaho.

COUNCIL ATTIRE: Kerry Nelson, 9258 Baack Road, Hayden, Idaho, commented that the City Council must maintain a certain level of civility in their business dealings and they were elected to only vote "yes" or "no". He believes that the City is not being "all they could be" to the military. He feels that their attire is not as professional as it should be. He commented that the Council serves at the pleasure of the citizens and they should dress professionally to show students what they can strive to be.

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

1. Approval of minutes for December 7, 2010.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, December 27th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 10-047: 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 APPROVING REQUEST TO EXTEND THE AGREEMENT WITH ROW ADVENTURES TO USE INDEPENDENCE POINT BEACH TO LAUNCH KAYAK TOURS AND PADDLE BOARD TOURS ; APPROVING CHANGE ORDER NO. 3 WITH CNI CONSTRUCTION FOR THE WASTEWATER TREATMENT PLANT PHASE 5B CONSTRUCTION; APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH J.U.B. ENGINEERS FOR THE 2011 WASTEWATER COLLECTION SYSTEM CAPITAL IMPROVEMENTS; AND APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH JOHN STAMOS FOR CONSULTING SERVICES.

4. RESOLUTION 10-048: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, INITIATING THE FORMATION OF LOCAL IMPROVEMENT DISTRICT NO. 150; DESCRIBING THE PROPOSED BOUNDARIES; GENERALLY DESCRIBING THE IMPROVEMENTS TO BE CONSTRUCTED IN THE PROPOSED DISTRICT; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.
5. RESOLUTION 10-049: A RESOLUTION OF INTENTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO CREATE LOCAL IMPROVEMENT DISTRICT NO 150; DESCRIBING THE BOUNDARIES OF THE PROPOSED DISTRICT AND THE PROPERTY PROPOSED TO BE ASSESSED; GENERALLY DESCRIBING THE IMPROVEMENTS PROPOSED TO BE CONSTRUCTED; STATING THE OF THE TOTAL COST WHICH WILL BE PAID BY THE LEVY OF ASSESSMENTS AND THAT WHICH WILL BE PAID FROM OTHER SOURCES; DESCRIBING THE METHOD OF ASSESSMENT; STATING THE TIME AND PLACE WHEN AND WHERE PROTESTS MAY BE FILED AND WHEN AND WHERE A PUBLIC HEARING WILL BE HELD TO CONSIDER ANY SUCH PROTESTS; PROVIDING FOR THE EFFECTVE DATE OF THIS RESOLUTION; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.
6. Approval of bills as submitted and on file in the Office of the City Clerk.
7. Approval of annual Road and Street Financial Report
8. Approval of Sole Source Purchase of Self-Contained Breath Apparatus (SCBA's)
9. Authorizing staff to obtain quotes for compressor/fill station of SCBA's
10. SS-9-10 – Final Plat approval for Appleway Square Addition
11. SS-10-10 – Final Plat approval for Riverfront House Condo's 1st Addition
12. Approval of transfer of beer license for C & C Grocery at 3280 W. Prairie Ave.
13. Setting of public hearing for the 2011 Community Development Block Grant 2011 Annual Action Plan.

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

COUNCIL COMMENTS:

COUNCILMAN MCEVERS: Councilman McEvers believes that he got caught up in the passion of the last Council meeting and he apologized for some of comments he made during that last meeting

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel announced that the city recently completed a fiber connection between the Wastewater Treatment Plant to City Hall via the K.C. Administration Building. This city-owned fiber eliminates the need to lease internet fiber from a third party and results in a savings of \$16,800.00 annually! It is another great example of the city's efforts to save money and increase efficiencies. Special thanks to our IT Network Administrator, Kirk Johnson, for making it happen! Two of our library employees, Melissa Crooks (Circulation Manager) and Anthony Tardiff (Reference Clerk), have each completed a Masters of Library Science degree program. Their commitment to our library and to their profession is extraordinary, and we are so proud of them. Waste Management of Idaho has suspended alley trash and recycling services in Coeur d'Alene. Until otherwise notified, please place your trash and recycling materials in front of your home on your service day. A SPECIAL REQUEST: After pick-up, please remove your garbage container from the street so city plows can do their job. For additional information, please call 765-4968. On Wednesdays, December 22nd and 29th, beginning at 1:00 PM, the Coeur d'Alene Public Library will have free, full-length movies in the Children's Department. Specialized Needs Recreation is holding Camp All-Stars "Winter Break" Day Camp, from December 20th to December 31st, Monday-Friday, at 1323 East Sherman, Suite E. Due to the holiday, there will be no camp on December 24th or 25th. If you would like more information about Camp All-Stars, would like to register, or want to volunteer, please call Angie Goucher at 755-6781. On Friday, December 24, 2010, Coeur d'Alene City Hall will be closed for the holiday. Emergency calls for Police, Fire, and Streets can be made by dialing 9-1-1. The city is currently in the process of updating its housing needs assessment, as well as seeking information regarding Fair Housing choice within the city limits of Coeur d'Alene. You can provide that valuable input by visiting the city web page at www.cdaid.org and completing the survey, or by printing a hard copy, filling it out, and then mailing it in or dropping it by City Hall, at 710 East Mullan. Please complete the survey before January 15, 2011. An Open House for the proposed McEuen Park project will be held Thursday, January 6th, at 6:00 PM, to be held at North Idaho College. Various elements of the plan will first be presented and there will be opportunities for public input. For more information, please contact Parks Director Doug Eastwood at 769-2252. She noted that the brine solution machine so far this year has made 31,065 gallons at a cost of \$6,800 compared to the previously purchased de-icer at \$27,600.

RESOLUTION 10-050

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE ASSIGNMENT OF J.U.B. ENGINEER'S AGREEMENT TO THE LAKE CITY DEVELOPMENT CORPORATION.

STAFF REPORT: City Attorney Mike Gridley explained that city had contracted with JUB Engineers to do a traffic study and conceptual design for the Educational Corridor. The next phase is to do actual design work for construction. LCDC, in conjunction with other stakeholders, will be directing the project and that it is therefore appropriate that they are in contact with JUB.

Motion by Kennedy, seconded by Bruning to adopt Resolution 10-050.

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

WORKSHOP PLANNED: Mayor Bloem directed that the Council have a workshop with the other parties involved in the Education Corridor to answer any questions or concerns that the Council may have regarding the construction of the corridor.

RCA-2-10 – REQUEST FOR CONSIDERATION OF ANNEXATION OF PROPERTY FOR PRAIRIE TRAIL: Sean Holm, Planner, reported that the City’s Parks Department is requesting approval of a Request for Consideration of Annexation for a 6.3-acre parcel containing the Prairie Trail adjacent to Riverstone Development between Seltice Way and the Spokane River.

Motion by Edinger, seconded by Hassell to accept the request for consideration and authorize applicant to proceed with the annexation process for Prairie Trail. ROLL CALL: Goodlander, Aye; McEvers, Aye; Bruning, Aye; Hassell, Aye; Kennedy, Aye; Edinger, Aye. Motion carried.

PUBLIC HEARING – ADOPTING THE 2009 INTERNATIONAL RESIDENTIAL CODE; BUILDING CODE; EXISTING BUILDING CODE; MECHANICAL CODE; FUEL GAS CODE; ENERGY CONSERVATION CODE; AND FIRE CODE: Mayor Bloem read the rules of order for this legislative public hearing. Ed Wagner, Building Services Director, gave the staff report.

Mr. Wagner reviewed the proposed amendments to the above-noted codes as required by state law.

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

ORDINANCE NO. 3398
COUNCIL BILL NO. 10-1024

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING MUNICIPAL CODE SECTION 10.20.060 TO PROHIBIT PARKING IN FIRE LANES; REPEALING SECTIONS 15.05.010 AND 15.08.005 AND ADOPTING NEW SECTIONS 15.05.010 AND 15.08.005 TO ADOPT THE 2009 INTERNATIONAL FIRE, BUILDING, RESIDENTIAL, EXISTING BUILDING, MECHANICAL, FUEL GAS AND ENERGY CONSERVATION CODES ALONG WITH AMENDMENTS AND REVISIONS TO SUCH CODES PROMULGATED BY THE IDAHO STATE FIRE MARSHALL, THE IDAHO BUILDING CODE BOARD AND OTHER AMENDMENTS AS CONTAINED HEREIN; AMENDING SECTION 15.12.010 TO CLARIFY ENFORCEMENT OF THE PLUMBING CODE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Goodlander, seconded by Edinger to pass the first reading of Council Bill No. 10-1024.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 10-1024 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.

EXECUTIVE SESSION: Motion by Hassell, seconded by Edinger to enter into Executive Session as provided by I.C. 67-2345 Subsection C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property, which is not owned by a public agency.

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

The session began at 8:00 p.m. Members present were the Mayor, City Council, City Administrator, Deputy City Administrator and City Attorney.

Matters discussed were those of property acquisition. No action was taken and the Council returned to regular session at 9:01 p.m.

ADJOURNMENT: Motion by Edinger, seconded by McEvers that there being no further business before the Council, this meeting is adjourned. Motion carried.

The meeting adjourned at 9:01 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk

STAFF REPORT

Date: January 4, 2011
From: Kathleen Chamberlin, Building Services Department
Subject: Surplus of Ricoh Aficio 1055 Copier, Serial #J5331100005

Decision point:

The Council is requested to decide if we can surplus and dispose of the Ricoh Aficio 1055 Copier.

History:

This is an older copier that has been repaired multiple times and used by multiple departments and parts are no longer available according to the copier repairman. We have continued to use it until it recently when the rollers melted and broke and are no longer functioning. H & H Business, supplier of copiers, has informed staff that parts are no longer available for this copier and the machine has zero market value.

Financial Analysis:

There is zero value in this copier.

Performance Analysis:

There will be no impact on operational performance.

Recommendation:

Staff recommends that the City Council declare this property as surplus with zero value and authorize staff to dispose of same.

STAFF REPORT

DATE: January 4, 2011
TO: Mayor and City Council
FROM: Susan Weathers, City Clerk
RE: Setting of Public Hearing for Various Fee Adjustments

The City Council is being requested to set a public hearing for January 18, 2011 for reviewing various fee adjustments from several City Departments.

The Legal Notice will be published on January 7, and 14, 2011 which meetings the publication requirements for this type of public hearing.

ANNOUNCEMENTS

OTHER COMMITTEE MINUTES
(Requiring Council Action)

December 27, 2010
**GENERAL SERVICES COMMITTEE
MINUTES**

COMMITTEE MEMBERS PRESENT

Mike Kennedy, Chairperson
Ron Edinger
John Bruning

STAFF PRESENT

Mike Gridley, City Attorney
Jon Ingalls, Deputy City Administrator
Capt. Steve Childers
Lt. Bill McLeod

CITIZENS PRESENT

Tom Hasslinger, CDA Press

Juanita Knight, Senior Legal Assistant

**Item 1. Downtown Evening Parking / Taxi Parking Zone.
(Resolution No. 11-001)**

Captain Steve Childers, is requesting approval of an evening taxi parking zone on the east side of 4th Street from Front Avenue to Sherman Avenue from 10 p.m. to 4:00 a.m., seven days a week. Capt. Childers noted that this request is being recommended by the Parking Commission in conjunction with input from the Downtown Association and the Police Department. The purpose of the designated evening taxi parking zone is to consistently provide a central location where patrons' downtown can access transportation that is convenient and reliable. In addition, the proposed taxi parking zone is designed to provide an option for transportation and increase public safety while working with the bar/restaurant owners. The taxi service must be licensed with the City. There would be less than \$100.00 spent on signage. Cars that are parked in the taxi zone would be cited, however there could be the option of towing.

Councilman Bruning asked if the taxicab company's have been notified if this proposal. Capt. Childers said they had not, however, the Deputy City Clerk will be sending out notices.

Councilman Edinger requested staff ensure there is sufficient signage warning citizens of the parking hours for said taxicab parking zone.

Discussion continued below...

**Item 2. Council Bill No. 10-1026 / No Drop Off – No Pick Up Zone.
(Agenda Item)**

Captain Steve Childers is requesting approval to designated "No Pick-up / Drop-off Zones from 10:00 p.m. to 4:00 a.m., seven days a week. There would be a designated evening taxi parking zone located along the east curb line in the south 100 block of 4th St. utilizing the same time frame. This request is being recommended by the Coeur d'Alene Police Department with input from the Downtown Business Association. To ensure the public safety of pedestrians, taxi customers, and passengers and regular vehicular traffic, the following areas are designated "No Pick-up / Drop-off Zones:

a. On Sherman Avenue between Third Street and Fifth Street;

b. On west side of Fourth Street between Front Avenue and Lakeside Avenue, and the east side of Fourth Street between Sherman Avenue and Lakeside Avenue;

c. On Lakeside Avenue between First Street and Third Streets.

Capt. Childers noted that there is an exception for handicapped person(s) who can be dropped off and picked up at any location.

Councilman Edinger asked if the downtown bars had an opportunity for input on the proposal. Capt. Childers responded, yes.

MOTION: by Councilman Bruning, seconded by Councilman Edinger, that Council adopt CB 10-1026 approving the designated “No Pick-up / Drop-off Zones from 10:00 p.m. to 4:00 a.m., seven days a week. And, approving a designated evening taxi parking zone located along the east curb line in the south 100 blk of 4th St. utilizing the same time frame as described in Item 1.

Item 3. Council Bill No. 10-1027 / Alcoholic Beverage Servers Training.
(Agenda Item)

Mike Gridley presented a request on behalf of the Legal Department and the Police Department requesting that the City adopt legislation that will help reduce the incidence of criminal activities and public disruptions caused by consumption of alcoholic beverages by persons who are underage or who have been over-served. As noted in the staff report, staff is requesting adoption of an ordinance that will require and regulate training of servers of alcoholic beverages. A recent increase in the incidence of alcohol-fueled law violations has been perceived in the city and especially in the downtown area of the city. It is believed that training servers to better recognize underage and already-intoxicated persons and thereby to decline to serve them will offset or possibly even reduce the resources currently being expended by city police and the city attorney’s office in dealing with alcohol-fueled law violations. Once the proposed ordinance is enacted and takes effect it is suggested that servers be given up to sixty (60) days after the effective date to obtain the training. Servers hired after the ordinance takes effect would likewise have sixty (60) days from their date of hire to obtain the training. The servers and the businesses employing them would be required to maintain proof of training and city police or other city employees could routinely request to see this proof in the course of their regular duties. Enactment of the server training ordinance is seen as a way of reducing alcohol-related problems by better educating the businesses and the persons who serve alcoholic beverages to prevent such problems arising in the first place.

Councilman Edinger asked who pays for the training. Capt. Childers said the establishment would pay. Typically, the establishment will certify one or more employees who would then train the other employees. Capt. Childers added that this is not anything new that the City is bringing in. Various establishments have received this training for years. Councilman Edinger asked where the idea for the ordinance came from. Capt. Childers said that Boise has a similar ordinance for their ‘hospitality zone’ and invited two of the City of Coeur d’Alene Police Officers down for training.

Councilman Edinger asked what will happen if the Police Department or city employees requests proof of training and none is provided. Mr. Gridley noted that, by ordinance, it would be a misdemeanor and would be subject upon conviction to the misdemeanor penalty as set out by ordinance.

Councilman Edinger asked if this will only pertain to downtown or city wide and have the bars outside of the downtown been notified of this proposal. Capt. Childers responded, city wide. However, outside of the downtown, they have not been notified. Councilman Edinger asked staff to ensure all establishments holding a liquor license within the city be notified of this requirement.

MOTION: by Councilman Edinger, seconded by Councilman Bruning, that Council adopt Council Bill 10-1027 approving the establishment of new Alcoholic Beverage Server Training requirements.

Item 4. Property Acquisition / Seven acres of land on the south side of Fernan Lake.
(Agenda Item)

Doug Eastwood is requesting approval to enter into a purchase agreement for 7 acres of land on the south side of Fernan Lake adjacent to the 47 city owned acres.

Mr. Eastwood explained in his staff report that this parcel of land was platted for residential housing and is in the city limits. The land owners approached the City about a year ago to see if they would be interested in acquiring the land as the economy and the housing market had taken a down-turn. This land is one of the flattest parcels on the hillside and it would create the ideal access, or trail head, for the adjacent city owned property. The property was originally listed at \$750,000 prior to the down economy. The City had it appraised at \$475,000 and the owners have agreed to a \$462,500 selling price. Staff would propose to put \$150,000 down and pay the remainder over five years at \$62,500 per year. The funds to pay for the property would come out of the Parks Capital Improvement Fund. Mr. Eastwood added that the number one request by CDA Citizens has been for more open space acquisition and access. Since 2006 this has been an adopted recommendation to acquire hillsides, waterfront and other properties for public use. The City surveyed the public in 2008 when they updated the Parks Master Plan and did a confirmation survey this past summer to see if the public priorities remained the same.

The seven acres would provide a trail head with off street parking and allow the public to safely walk on a proposed trail system. The City also has an opportunity to provide ADA access on the upper part of these additional seven acres so anyone that desires to enjoy the spectacular views and vistas can do so.

Councilman Edinger asked how much is in the fund now and what other projects are in line. Mr. Eastwood responded approximately \$380,000. They don't want to deplete the fund, that is why they are recommending the five year plan. They do have some dedicated funds in this account for waterways and should be earmarked for the McEuen improvements, if waterfront improvements are to be made. Currently, they don't have any projects in direct competition with the purchase of this property.

Councilman Edinger stated that staff is proposing to put \$150,000 down and pay the remainder over five years at \$62,500 per year. What if, in the future, the then city council does not approve the \$62,500. Mr. Eastwood said that is a big 'what if'. He would hope that the future city council will recognize the benefit of this property and that this is a good deal.

Councilman Edinger also stated that he's heard talk that there could be a traffic problem at the curve in the road and the location of this property. Mr. Eastwood said they have looked at the traffic study for Potlatch Hill Road and its rated at an "A" which is the best rating in terms of traffic flow. It would take 200 cars per hour to lower the rating which exceeds the most extreme estimates. Additionally, the proposed property / parking area is up the road from the curve.

Councilman Edinger, followed by Councilman Kennedy and Councilman Bruning, stated that at least one of the owners of this property have financially contributed to their election campaign in the past. The City Attorney advised the council members that this does not result in a conflict of interest.

MOTION: by Councilman Bruning, seconded by Councilman Edinger, that Council authorize staff to move forward with negotiating a land purchase agreement for the seven acres on the south side of Fernan Lake adjacent to the 47 city owned acres.

The meeting adjourned at 1:00 p.m.

Respectfully submitted,

Juanita Knight
Recording Secretary

Staff Report

Date: December 16, 2010
To: General Services Committee
From: Steve Childers/Troy Tymesen
Subject: Evening downtown taxi parking zone

Decision Point:

To approve a recommendation to incorporate an evening taxi parking zone on the east side of 4th Street from Front Avenue to Sherman Avenue from 10 p.m. to 4:00 a.m., seven days a week.

History:

This is being recommended by the Parking Commission in conjunction with input from the Downtown Association and the Police Department. The taxi service must be licensed with the City.

Financial Analysis:

There would be less than \$100.00 spent on signage. Cars that are parked in the taxi zone would be cited, however there could be the option of towing.

Performance Analysis:

The purpose of the designated evening taxi parking zone is to consistently provide a central location where patrons' downtown can access transportation that is convenient and reliable.

Quality of Life Analysis:

This proposed taxi parking zone is designed to provide an option for transportation and increase public safety while working with the bar/restaurant owners.

Decision Point:

To approve an evening taxi parking zone on the east side of 4th Street from Front Avenue to Sherman Avenue from 10:00 p.m. to 4:00 a.m., seven days a week.

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: Steve Childers, Captain

DATE: December 27, 2010

RE: Create a “No Pick-up/Drop-off Zones”

Decision Point:

To approve designated “No Pick-up/Drop-off Zones from 10:00 p.m. to 4:00 a.m., seven days a week. There would be a designated evening taxi parking zone located along the east curb line in the south 100 blk of 4th St. utilizing the same time frame.

History:

This is being recommended by the Coeur d’Alene Police Department with input from the Downtown Business Association. The taxi service must be licensed with the City.

Financial Analysis:

There would be less than \$100.00 spent on signage.

Performance Analysis:

The purpose of the designated evening taxi parking zone is to consistently provide a central location where patrons’ downtown can access transportation that is convenient and reliable. To ensure the public safety of pedestrians, taxi customers, and passengers and regular vehicular traffic, the following areas are designated “No Pick-up/Drop-off Zones:

- a. On Sherman Avenue between Third Street and Fifth Street;
- b. On west side of Fourth Street between Front Avenue and Lakeside Avenue, and the east side of Fourth Street between Sherman Avenue and Lakeside Avenue;
- c. On Lakeside Avenue between First Street and Third Streets.

Quality of Life Analysis:

This proposed taxi parking zone is designed to provide an option for transportation and increase public safety while working with the bar/restaurant owners.

Decision Point:

To approve designated “No Pick-up/Drop-off Zones from 10:00 p.m. to 4:00 a.m., seven days a week. There would be a designated evening taxi parking zone located along the east curb line in the south 100 blk of 4th St. utilizing the same time frame.

RESOLUTION NO. 11-001

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO CREATING A TAXI CAB PICK UP / DROP OFF "OPEN STAND."

WHEREAS, the Chief of Police has received input and advice from the Coeur d' Alene Downtown Business Association concerning the creation of a Taxicab pick up / drop off "Open Stand" in the downtown area; and

WHEREAS, Coeur d' Alene Municipal Code Section 5.56.010 defines "Open Stands" as a public place alongside the curb of a street or elsewhere in the City which has been designated by the Chief of Police for use by taxicabs; and

WHEREAS, Coeur d' Alene Municipal Code Section 5.56.120 provides the Chief of Police the authority and discretion in determining the location for "Open Stands" for taxicabs; and

WHEREAS, The Chief of Police has designated the areas described below as "Open Stands"; and

WHEREAS, the Mayor and City Council have determined that it is in the public's interest to acknowledge and memorialize the establishment of a Taxicab pick up / drop off "Open Stand" in the location set forth below; NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and City Council of the City of Coeur d'Alene acknowledge that the following area has been designated by the Chief of Police as a Taxicab pick up / drop off "Open Stand":

Located on the east side of 4th Street from Front Avenue to Sherman Avenue from 10:00 p.m. to 4:00 a.m., seven days a week.

DATED this 4th day of January, 2011.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER BRUNING Voted _____

COUNCIL MEMBER HASSELL Voted _____

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER GOODLANDER Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

ORDINANCE NO. _____
COUNCIL BILL NO. 10-1026

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 5.56.100 TO CREATE DESIGNATED TAXICAB "NO PICK-UP / DROP-OFF ZONES"; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after recommendation by the General Services Committee, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendments be adopted; NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

SECTION 1. *That Coeur d'Alene Municipal Code Section 5.56.100, is hereby amended to read as follows:*

5.56.100: PROHIBITED ACTS BY TAXICAB OPERATOR:

- A. No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of the taxicab or while standing immediately adjacent to the curb side thereof and then only from the open stand provided for his vehicle as designated by the Chief of Police.
- B. No driver shall solicit patronage in a loud or annoying tone of voice or sign, or in any manner annoy any person or obstruct the movement of any person, or follow any person for the purpose of soliciting patronage.
- C. No driver shall cruise in search of passengers.
- D. No driver shall permit any person to occupy or ride in his taxicab, unless the person first employing the taxicab shall consent thereto.
- E. No driver shall permit more persons to be carried in a taxicab as passengers than safety allows, and in no case shall more than two (2) passengers be permitted to ride in the front seat with the driver.
- F. No driver shall solicit business for any hotel or motel or attempt to divert patronage from one to the other, nor shall any driver engage in selling intoxicating liquors or solicit business for any house of ill repute.
- G. Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible or in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way

streets, where passengers may be discharged at either right- or left-hand sidewalk, or side of the road in the absence of a sidewalk.

H. 1. To ensure the public safety of pedestrians, taxi customers and regular vehicular traffic, the following areas are designated “No Pick-up/Drop-off Zones between the hours of 10 p.m. and 4 a.m. daily:

a. On Sherman Avenue between Third Street and Fifth Street;

b. On west side of Fourth Street between Front Avenue and Lakeside Avenue, and the east side of Fourth Street between Sherman Avenue and Lakeside Avenue;

c. On the 200 block of East Lakeside between North First Street and North Third Streets.

2. It is unlawful for any taxi to occupy any designated parking space, except designated taxicab stands, in the “No Pick-up/Drop-off Zones” to drop-off or pick-up any passenger(s) or group of passengers, or solicit business within the “No pick-up/Drop-off Zone” unless specifically allowed in this subsection.

3. Exceptions to this subsection are allowed for parking to pick-up or drop-off at signed and designated taxicab stands established by the Chief of Police as authorized by section 5.56.120, and for pick-up or drop-off of handicapped person(s).

SECTION 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 4. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein,

and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

APPROVED, ADOPTED and SIGNED this 4th day of January, 2011.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Amending Municipal Code Section 5.56.100 - Taxicabs

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 5.56.100 TO CREATE DESIGNATED TAXI CAB "NO PICK-UP / DROP-OFF ZONES"; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Susan K. Weathers, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Amending Municipal Code Section 5.56.100 - Taxicabs, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 4th day of January, 2011.

Warren J. Wilson, Chief Deputy City Attorney

**GENERAL SERVICES COMMITTEE
STAFF REPORT**

DATE: December 20, 2010

FROM: ROY GOWEY, LEGAL DEPARTMENT

SUBJECT: ADDITION OF CHAPTER 5.07 TO MUNICIPAL CODE TO ESTABLISH
TRAINING REQUIREMENTS FOR ALCOHOLIC BEVERAGE SERVERS

DECISION POINT:

The Police Department is requesting that the City adopt legislation that will help reduce the incidence of criminal activities and public disruptions caused by consumption of alcoholic beverages by persons who are underage or who have been over-served. Specifically it is requesting enactment of an ordinance that will require and regulate training of servers of alcoholic beverages.

HISTORY:

A recent increase in the incidence of alcohol-fueled law violations has been perceived in the city and especially in the downtown area of the city.

FINANCIAL ANALYSIS:

It is believed that training servers to better recognize underage and already-intoxicated persons and thereby to decline to serve them will offset or possibly even reduce the resources currently being expended by city police and the city attorney's office in dealing with alcohol-fueled law violations.

PERFORMANCE ANALYSIS:

Once the proposed ordinance is enacted and takes effect it is suggested that servers be given up to sixty (60) days after the effective date to obtain the training. Servers hired after the ordinance takes effect would likewise have sixty (60) days from their date of hire to obtain the training. The servers and the businesses employing them would be required to maintain proof of training and city police or other city employees could routinely request to see this proof in the course of their regular duties.

DECISION POINT/RECOMMENDATION:

Enactment of the server training ordinance is seen as a way of reducing alcohol-related problems by better educating the businesses and the persons who serve alcoholic beverages to prevent such problems arising in the first place.

ORDINANCE NO. _____
COUNCIL BILL NO. 10-1027

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING TITLE 5 BY ADDING A NEW CHAPTER, TO BE DESIGNATED CHAPTER 5.07, ENTITLED ALCOHOLIC BEVERAGE SERVER TRAINING REQUIREMENTS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after recommendation by the General Services Committee, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendments be adopted; NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

SECTION 1. *That a new Chapter 5.07, entitled Alcoholic Beverage Server Training Requirements, is hereby added to the Coeur d'Alene Municipal Code as follows:*

5.07.010: REQUIREMENTS FOR ALCOHOLIC BEVERAGE SERVER TRAINING:

A. SERVER TRAINING. All servers of alcoholic beverages are required to receive approved server training. "Server of alcoholic beverage" means any person serving or selling any alcoholic beverage, including spirits, wine, or beer, for consumption on a licensed premise as a requirement of his or her employment and also as any person managing such employees. Servers of alcoholic beverages include waiters, waitresses, bartenders, and managers of waiters, waitresses, and/or bartenders.

B. APPROVED SERVER TRAINING. Approved server training shall be the following or its equivalent and must be approved by the chief of police.

- (1) "Serv-Safe Alcohol" programs of the National Restaurant Association Educational Foundation;
- (2) "TIPS" Training for Intervention Procedures programs of Health Communications, Inc.;
- (3) "Learn2Serve" training for on-premise servers and sellers of alcoholic beverages.

Any approved server training program must include an examination covering the following topics: monitoring patrons' behavior, checking identification, recognizing false and altered identification, providing alternatives to alcohol, problem-solving in dealing with intoxicated and/or

belligerent patrons, and the state and local laws and regulations in Idaho pertaining to alcoholic beverages.

C. TIME REQUIREMENTS FOR RECEIVING SERVER TRAINING. Unless a server of alcoholic beverages has already received approved server training and is currently certified as an approved server, he or she must complete an approved server training program within sixty (60) days of the date the server begins employment at a licensed establishment. Once becoming certified as having received approved server training, a server must maintain that certification throughout his or her employment as a server of alcoholic beverages.

D. RECORDS OF TRAINING.

- (1) Servers must maintain records of their training and show proof of current certification upon request to officers or other employees of the Coeur d'Alene Police Department and/or to other law enforcement officers.
- (2) Licensees must maintain training records or proof of current certification for each server employed and must present those records upon request to officers or other employees of the Coeur d'Alene Police Department and/or to other law enforcement officers.

E. PENALTIES FOR NONCOMPLIANCE. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject upon conviction to the misdemeanor penalty contained in section 1.28.010 of this code.

SECTION 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 4. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein,

and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and the Ordinance shall be in full force and effect 120 days following the publication of the Summary.

APPROVED, ADOPTED and SIGNED this 4th day of January, 2011.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Amending Municipal Code Title 5 - Business Licenses and Regulations

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING TITLE 5 BY ADDING A NEW CHAPTER, TO BE DESIGNATED CHAPTER 5.07, ENTITLED ALCOHOLIC BEVERAGE SERVER TRAINING REQUIREMENTS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE 120 DAYS FOLLOWING THE PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Susan K. Weathers, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Amending Municipal Code Title 5 - Business Licenses and Regulations, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 4th day of January, 2011.

Warren J. Wilson, Chief Deputy City Attorney

STAFF REPORT

December 20, 2010

From: Doug Eastwood, Parks Director

SUBJECT: LAND ACQUISITION; FERNAN

Decision Point:

Recommend to General Services/City Council to enter into a purchase agreement for seven acres of land on the south side of Fernan Lake adjacent to the 47 city owned acres.

History:

This parcel of land was platted for residential housing and is in the city limits. The land owners approached us about a year ago to see if the city would be interested in acquiring the land as the economy and the housing market had taken a down-turn. This land is one of the flattest parcels on the hillside and it would create the ideal access, or trail head, for the adjacent city owned property.

Financial Analysis:

The property was originally listed at \$750,000 prior to the down economy. We had it appraised at \$475,000 and the owners have agreed to a \$462,500 selling price. We would propose to put \$150,000 down and pay the remainder over five years at \$62,500 per year. The funds to pay for the property would come out of the Parks Capital Improvement Fund.

Performance Analysis:

The number one request by CDA Citizens has been for more open space acquisition and access. Since 2006 this has been an adopted recommendation to acquire hillsides, waterfront and other properties for public use. We surveyed the public in 2008 when we updated the Parks Master Plan and we did a confirmation survey this past summer to see if the public priorities remained the same. These seven acres will provide a trail head with off street parking and allow the public to safely walk on a proposed trail system. We also have an opportunity to provide ADA access on the upper part of these additional seven acres so anyone that desires to enjoy the spectacular views and vistas can do so.

Decision Point:

Recommend to the General Services/City Council that we enter into a land purchase agreement for the seven acres mentioned above.

Map attached.

Minutes from Parks and Recreation Commission meeting – Dec. 20, 2010

7. FERNAN LAKE PROPERTY ACQUISITION - Action

Recommend to general services/city council to enter into a purchase agreement for seven acres of land on the south side of Fernan Lake adjacent to the 47 city owned acres. This parcel of land was platted for residential housing and is in the city limits. The land owners approached us about a year ago to see if the City would be interested in acquiring the land as the economy and the housing market had taken a down-turn. This land is one of the flattest parcels on the hillside and it would create ideal access for the adjacent City owned property.

The property was originally listed at \$750,000 prior to the down economy. Recently it was appraised at \$475,000 and the owners have agreed to a \$462,500 selling price. We would propose to put \$150,000 down and pay the remainder over five years at \$62,500 per year. The funds to pay for the property would come out of the Parks Capital Improvement Fund. The yearly payment of \$62,500 would require City Council approval for payment each year.

The city was gifted 47 acres that includes more than 3,000 linear feet of water front. A small 2.6 acre area was platted for residential housing several years ago. The seven acres would provide a great trailhead, ADA access, and parking area for the public, as well as a safe access point for a proposed trail system. Benches could be installed to allow any citizen the opportunity to enjoy the tremendous views this space has to offer.

In 2006, the City adopted an open space plan that defines open space as a resource with natural, cultural, aesthetic and/or recreational value for our community. It further states it is important that we preserve the natural beauty of Coeur d'Alene protecting our property values and managing the public access to our natural areas.

When surveyed on three different occasions over the past three years, the community has stated their support, ninety-five percent of the time, for public open space access.

In comparison, these seven acres appraise at \$462,500 or \$67,857 per acre, helping adjoin the forty-seven acres gifted to the City. In 2005, the 120 acres that make up Tubbs Hill was estimated at \$177,000,000 or \$1,475,000 per acre. The city paid \$300,000 on eight different acquisitions from 1929 to 1980 to purchase Tubbs Hill. The worth of this land well exceeds the funds paid. Canfield Mountain is 25 acres and an estimated value in 2007 of \$4,200,000 or \$168,000 per acre.

The Coeur d'Alene Parks Foundation and the landowners have negotiated for the purchase of this property. Originally the Parks Foundation was going to acquire the land and the City Parks Department would lease it from the Foundation until paid off. There was some discomfort with this option and now we (the Parks Dept.) will work directly with the sellers. Through negotiations with the owners and the Parks Department, a plan requiring a down payment of \$150,000 with payments over the next five years

is agreeable and is being brought forward for Commission support and to be sent through the process with General Services and the City Council, with the City entering into the acquisition agreement. We can apply for Land Water Conservation Funds, although there isn't much money available in Idaho for this year. These funds are a 50/50 matching grant. We can move forward with this acquisition and apply funds, if received, to help pay off this purchase sooner.

We can approach this acquisition with a couple of options: 1) enter into the acquisition agreement as proposed; 2) enter into the acquisition agreement as proposed and apply to LWCF (grant cycle January-June). Both of these options require the down payment to be made by March 2011. If option 2 works then we expedite the payment, if it does not, work then we stay with option 1.

Commissioner Cranston: Which account would the funds come from? The Capital Improvement Funds are dedicated funds to develop parks land and acquire park land. This request to acquire land is an appropriate expenditure. These funds are generated from revenues, not tax dollars.

Commissioner Patzer: After the \$150,000 down payment, is this agreement a four or five year deal? It is a five year deal. What is the process going through a multi-year purchase like this? Does it obligate future City Council members? Doug stated that each year when budgets are submitted to City Council to approve or deny, this payment would be submitted as an annual appropriation. City Council will have the option each year to approve or deny payment. Are there any other projects that would compete for these funds, like the McEuen project? The McEuen project has waterfront improvement funds from mooring and launch fee revenue, those funds can be dedicated to those site improvements. What are the major expenditures in incorporating these seven acres? Eventually we will need to create off-street parking and add site amenities. Grants can also be applied for the purpose. Trail construction may be done with volunteers as we did the Canfield Mountain Trails.

Commissioner Hill: Does this proposed acquisition affect the downsizing of the City budget? We did not see a drop in park revenues as many community members stayed in town and did less traveling and utilized the parks more, generating revenue. Reservations at our park were up considerably higher this past year. Citizens stayed home putting money into the local economy. Revenues will increase as economy gets stronger.

Commissioner Patzer: Viewing the site map, it appears if we did not incorporate these acres, we would not be able to access this from the public roadway? That is correct; access would be quite difficult and for some people it would be impossible.

Commissioner Patzer made a motion to recommend to General Services and City Council to enter into a land purchase agreement for Government Lot 1; seven acres of land on the south side of Fernan Lake adjacent to the 47 city owned acres with a down payment of \$150,000 and payment of the remainder over five years at \$62,500 per year. Motion seconded by Commissioner Hill. Commissioner Tate abstained. Motion passed.