

WELCOME
To a Regular Meeting of the
Coeur d'Alene City Council
Held in the Library Community Room

VISION STATEMENT

OUR VISION OF COEUR D'ALENE IS OF A BEAUTIFUL, SAFE CITY THAT PROMOTES A HIGH QUALITY OF LIFE AND SOUND ECONOMY THROUGH EXCELLENCE IN GOVERNMENT.

The purpose of the Agenda is to assist the Council and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Council on any other agenda item should plan to speak when Item F – Public Comments is identified by the Mayor. The Mayor and Council will not normally allow audience participation at any other time.

6:00 P.M.

March 2, 2010

A. CALL TO ORDER/ROLL CALL

B. INVOCATION:

C. PLEDGE OF ALLEGIANCE:

D. AMENDMENTS TO THE AGENDA: Any items added less than forty eight (48) hours prior to the meeting are added by Council motion at this time.

E. PRESENTATION

1. PRESENTATION: Ford Ironman Community Fund Recipients

Presented by Mayor Bloem

F. PUBLIC COMMENTS: (Each speaker will be allowed a maximum of 5 minutes to address to City Council on matters that relate to City government business. Please be advised that the City Council can only take official action this evening for those items already listed on the agenda.)

G. CONSENT CALENDAR

Being considered routine by the City Council, these items will be enacted by one motion unless requested by a Councilman or a citizen that one or more items be removed for later discussion.

1. Approval of minutes for February 11, 16, 2010.
2. Setting General Services and Public Works Committees meetings for Monday, March 8th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 10-006 consisting of the following items:
 - a. Memorandum of Understanding – 700 MHz Radio Usage with Kootenai County

As Recommended by the General Services Committee, February 22, 2010

CONSENT CALENDAR Cont'd

- b. Declaration of Surplus Property

As Recommended by the Public Works Committee, February 22, 2010

- c. Authorization to destroy certain temporary records from the Police Dept.

As Recommended by the City Clerk

- 4. Setting of Public Hearing for Flood Hazard Mitigation Regulations for April 6, 2010

As Recommended by the City Engineer

- 5. Authorizing Police Department Civilian Volunteer Leonard Reed to mark, tag and Tow abandoned vehicles

Staff Report Submitted

Motion by _____, seconded by _____ to approve the Consent Calendar as presented.

*Discussion

*If a Councilman does not do so, ask the City Clerk to list the resolution items

*ROLL CALL: Goodlander __; Kennedy __; McEvers __; Bruning __; Edinger __; Hassell __.

*Motion carried/failed.

H. ANNOUNCEMENTS

- 1. Council
- 2. Mayor
 - a. Appointment to Arts Commission

Motion by _____, seconded by _____ to appoint Mike Dodge to the Arts Commission.

*Discussion

*All in favor/opposed

*Motion carried/failed

- 3. Administrator's Report

I. GENERAL SERVICES COMMITTEE

Chairman Kennedy

- 1. (G. S. Item 2) RESOLUTION 10-007 – Amendments to Policy for Food and Alcoholic Beverages on Public Sidewalks

Motion by _____, seconded by _____ to adopt Resolution 10-007

*Discussion

*ROLL CALL: Kennedy __; Hassell __; McEvers __; Goodlander __; Bruning __; Edinger __.

*Motion carried/failed

J. OTHER BUSINESS

- 1. Authorizing Staff to proceed with RFP for Consultant Services for Education Corridor Preliminary Infrastructure Design.

Staff Report Submitted

Motion by _____, seconded by _____ to authorize staff to proceed with the Request for Proposals (RFP) process for the Education Corridor Preliminary Infrastructure Design.

- *Discussion
- *All in favor/opposed
- *Motion carried/failed.

K. EXECUTIVE SESSION

I.C. 67-2345

Motion by _____, seconded by _____ to enter into Executive Session as provided by I.C. 67-2345.

- *Discussion
- *ROLL CALL: Goodlander __; Kennedy __; McEvers __; Bruning __; Edinger __; Hassell __.
- *Motion carried/failed.

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; , Subsection F: To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated; and, Subsection 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 imminently likely to be filed.

L. OTHER BUSINESS

- 1. RESOLUTION 10-008 – Memorandum of Understanding – Deputy Fire Chiefs

As Recommended by the Human Resources Director

Motion by _____, seconded by _____ to adopt Resolution 10-008

- *Discussion
- *ROLL CALL: Goodlander __; McEvers __; Hassell __; Kennedy __; Bruning __; Edinger __.
- *motion carried/failed.

M. ADJOURNMENT

Motion by _____, seconded by _____ that there being no further business this meeting is adjourned.

- *All in favor/opposed
- *Motion carried.



Coeur d'Alene

CITY COUNCIL MEETING

March 2, 2010

MEMBERS OF THE CITY COUNCIL:

Sandi Bloem, Mayor

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

CONSENT CALENDAR

**A WORKSHOP HELD BY THE
CITY COUNCIL OF THE CITY OF COEUR D'ALENE
WITH THE CDA TV COMMITTEE
February 11, 2010**

Mayor Sandi Bloem

A. J. Hassell, III) Members of Council Present
John Bruning)
Deanna Goodlander)
Woody McEvers)
Ron Edinger (late 12:26 p.m.)

Janet Feiler) Members of CDA TV Committee Present
Woody McEvers)
Bruce Hathaway)
Yenny Chase-Bayless (Student Rep.)

GUESTS: Jeff Crowe, Contractor; Andy Finney, NIC.

STAFF: Susan Weathers; Wendy Gabriel; Troy Tymesen; Jon Ingalls

CALL TO ORDER: Mayor Bloem called the workshop to order.

CDA TV PROGRESS REPORT: Susan Weathers presented an overview of the achievements and activities of the CDA TV Committee and Channel 19 over the last 5 years.

PEG VS. COMMUNITY ACCESS: Jeff Crowe explained the difference between PEG (Public education and government) and community access. Councilman Edinger asked about having the County air their meetings. Jeff explained that they could air but they would either have to come to the Library or purchase their own video equipment.

Councilman McEvers asked about programming. Jeff explained how programming works and the programming challenge of odd time meetings (i.e. Council ran 1:20, then 39 minutes). Because of this he must fill in the odd minutes with other programs thus it is difficult to state exactly what time each day programs will be aired.

COMMITTEE AUTONOMY VS. DIRECT COUNTY SUPERVISION: Jeff Crowe explained that last Fall the CDA TV Committee invited candidates to air a personal 3-minute profile as part of informing the public of their candidates. He noted that he believes that CDA TV Committee provides the decision making for programming which protects the Council from being viewed as prejudicial in what is being aired. He also noted that as a PEG channel, we are not required provide equal time to all candidates. Councilman Goodlander supports that the only candidate forums aired should be CDA

TV's. Mayor Bloem believes that the Council should not have routine oversight on what goes on CDA TV and it should be the Committee's decisions unless the Committee is not going in the direction of the Council.

DONATIONS: Jeff explained that staff has submitted requests to ask citizens for donations to certain projects such as Fallen Heroes Plaza, Dog Park bones, etc. The Committee has handled this topic by not allowing outright asking for funds but stating that for more information contact ... Councilman Goodlander believes that donations directly related to Cd'A TV is okay or sponsorships of programs.

PSA'S: Jeff asked the Mayor and Council that if they have any ideas of producing PSA's please let him know.

5-YEAR VISION OF CDA TV: Still here with newer equipment. Jeff Crowe asked what committees the Council would like to add to airing on CDA TV. Andy Finney noted that due to the number of people on a committee it limits what meetings can be effectively be aired on TV. Councilman McEvers looking out five years, he has asked outlying communities to come to try out airing on CDA TV.

FUNDING: Deanna believes that the City does need to have a capital budget funding to maintain the CDA TV equipment. Troy believes that the Committee needs to market the channel to other government entities and participate in funding CDA TV. Mayor Bloem recommended sponsorships and give citizens more transparency including weekly fact show that dispels rumors. Jeff noted that there is a funding source which is the cable Franchise fees and feels that can sustain CDA TV. Mayor also suggested partnering with other entities. Councilman Hassell noted that KMPO meetings could be aired. Jeff also recommended airing the Higher Education Corridor meetings.

ADJOURNMENT: Motion by Bruning seconded by Edinger to adjourn the meeting. Motion carried.

The meeting adjourned at 1:41 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
FEBRUARY 16, 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 February 16, 2010 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

INVOCATION was led by

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

PRESENTATION – LCDC ANNUAL REPORT: Executive Director Tony Berns presented a history and overview of the Lake City Development Corporation including defining the boundaries of the two urban renewal districts known as the Lake District and River District. Mr. Burns provided the Corporations' Vision statement and Mission statement. He announced the members of the Board of Commissioners as well as their subcommittees. Mr. Burns went on to review to accomplishments of 2009 highlighting such partnerships as the midtown and IHFA workforce housing project, Education Corridor partnership initiative, Sorensen partnership, Prairie Trail partnership and other redevelopment initiatives. He then presented the Board's 2010 strategic priorities.

PRESENTATION – NEIGHBORHOOD STABILIZATION FUNDS: North Idaho Housing Coalition Executive Director Lori Isenberg presented an overview of the Neighborhood Stabilization funds and who may be eligible for assistance through this funding.

PUBLIC COMMENTS:

Harold Hocker, 1413 E. Spokane Street,

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

1. Approval of minutes for February 2, 2010.

2. Setting the General Services Committee and the Public Works Committee meetings for Monday, February 22nd at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 10-004: 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 CITY DOCK LEASE RENEWAL FOR LAKE COEUR D' ALENE CRUISES; APPROVING CITY DOCK LEASE RENEWAL FOR BROOKS SEAPLANE; APPROVING CITY DOCK LEASE RENEWAL FOR COEUR D' ALENE PARASAIL WATERSPORTS; APPROVAL OF THE DESTRUCTION OF CERTAIN PARKS DEPARTMENT TEMPORARY AND SEMI-PERMANENT RECORDS AND APPROVING A SUB-RECIPIENT AGREEMENT WITH ST. VINCENT DEPAUL FOR CDBG FUNDS
4. RESOLUTION 10-005: A RESOLUTION OF THE CITY OF COEUR D' ALENE, KOOTENAI COUNTY, IDAHO TO THE SECRETARY OF THE AIR FORCE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.
5. Approval of bills as submitted and on file in the Office of the City Clerk.
6. Approval of cemetery lot repurchase from Amanda Nash.
7. Approval of beer/wine license transfers for Kelly's Irish Pub (formerly Grumpy's) and for the purchase of Zip Stop at 3675 Government Way by Kim Gittel.
8. Setting of a public hearing for the O-1-10 (commercial design guidelines) for April 6, 2010.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN: .

COUNCILMAN: .

COUNCILMAN :

APPOINTMENT TO CDA TV COMMITTEE: Motion by , seconded by to appoint Joe Kunka to the CDA TV Committee. Motion carried.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel reported that

COUNCIL BILL NO 09-1023
ORDINANCE NO. 3374

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING CHAPTER 13.20 AND ADOPTING A NEW CHAPTER 13.20, ENTITLED UNIFORM WASTEWATER REQUIREMENTS, TO REGULATE DISCHARGE INTO THE PUBLIC SEWER SYSTEM AND WASTEWATER TREATMENT PLANT BY ESTABLISHING DEFINITIONS AND OTHER ADMINISTRATIVE PROVISIONS, DISCHARGE LIMITS AND PROHIBITIONS, FACILITY LICENSING AND DISCHARGE PERMIT REQUIREMENTS, WASTEWATER SAMPLING AND REPORTING REQUIREMENTS, PRETREATMENT REQUIREMENTS, REQUIREMENTS FOR NOTIFICATION OF SPILLS, ENFORCEMENT PROCEDURES, PROVIDING THAT VIOLATIONS OF THE CHAPTER ARE MISDEMEANORS PUNISHABLE BY 180 DAYS IN JAIL OR A FINE OF \$1,000 OR BOTH; 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 , seconded by to pass the first reading of Council Bill No. 09-1023.

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

Motion by , seconded by to suspend the rules and to adopt Council Bill No. 09-1023 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.

COUNCIL BILL NO. 10-1000
ORDINANCE NO. 3375

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 12.36.015 TO REMOVE THE REFERENCE TO "OVER 1" IN DIAMETER" FROM THE PRUNING DEFINITION; 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 , seconded by to pass the first reading of Council Bill No. 10-1000.

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

Motion by , seconded by to suspend the rules and to adopt Council Bill No. 10-1000 by its having had one reading by title only.

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

RATIFYING LETTER OF INTENT FOR WHITEWATER CREEK DEVELOPMENT:

Motion by Kennedy, seconded by to ratify the letter of intent for Whitewater Creek Development. Motion carried.

COUNCIL BILL NO. 10-1001
ORDINANCE NO. 3376

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF SECTION 36, TOWNSHIP 51, NORTH, RANGE 4W, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; CHANGING THE ZONING MAPS OF THE CITY OF COEUR D'ALENE; AMENDING SECTION 1.16.110, COEUR D'ALENE MUNICIPAL CODE, BY DECLARING SUCH PROPERTY TO BE A PART OF PRECINCT #45; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by , seconded by to pass the first reading of Council Bill No. 10-1001.

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

Motion by , seconded by to suspend the rules and to adopt Council Bill No. 10-1001 by its having had one reading by title only.

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

EXECUTIVE SESSION: Motion by , seconded by 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; and SUBSECTION F: To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel as executive session does not satisfy this requirement, and SUBSECTION 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: Hassell, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Bruning, Aye; Edinger, Aye. Motion carried.

The Council met in Executive Session at p.m. Members present were the Mayor, City Council, City Administrator, Deputy City Administrator and City Attorney.

Matters discussed were those of land acquisition, litigation, and claims. No action was taken and the Council returned to the regular meeting at p.m.

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

The meeting adjourned at p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk

RESOLUTION NO. 10-006

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 THE MEMORANDUM OF UNDERSTANDING WITH KOOTENAI COUNTY FOR 700 MHZ RADIO USAGE; AUTHORIZING THE DECLARATION OF SURPLUS PROPERTY – STREET DEPARTMENT AND AUTHORIZING THE DESTRUCTION OF CERTAIN TEMPORARY RECORDS – POLICE DEPARTMENT.

WHEREAS, it has been recommended that the City of Coeur d'Alene enter into the contract(s), agreement(s) or other actions listed below pursuant to the terms and conditions set forth in the contract(s), agreement(s) and other action(s) documents attached hereto as Exhibits "1 through 3" and by reference made a part hereof as summarized as follows:

- 1) Approving the Memorandum of Understanding with Kootenai County for 700 MHz Radio Usage;
- 2) Authorizing the Declaration of Surplus Property – Street Department;
- 3) Authorizing the Destruction of Certain Temporary Records – Police Department;

AND;

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreements or other actions; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into agreements or other actions for the subject matter, as set forth in substantially the form attached hereto as Exhibits "1 through 3" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreements or other actions so long as the substantive provisions of the agreements or other actions remain intact.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and they are hereby authorized to execute such agreements or other actions on behalf of the City.

DATED this 2nd day of March, 2010.

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 GOODLANDER Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER HASSELL Voted _____

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

GENERAL SERVICES COMMITTEE

Date: 2-5-2010
From: Jim Washko, Deputy Chief
Re: MOU with Kootenai County for 700 MHz Radio usage

DECISION POINT:

To accept the MOU for user responsibilities and fees associated with the 700 MHz radio system being installed in the County.

HISTORY:

For some time the Coeur d' Alene Fire Department and Police Department have been on different communication systems and so has the rest of the country. After several major incidents in our nation it has come to the attention at a national level that there needs to be a common communication system. This is necessary so that local police, fire agencies and federal agencies can communicate during a major event. The word being used is "interoperability" and as a concept is a great and innovative idea.

The fire departments, police departments and the county dispatch center have been working several years to establish an interoperable system here in the county. This MOU is an integral piece of the puzzle to this large and comprehensive undertaking it is part of the cost sharing that is done in the state of Idaho to make this happen.

FINANCIAL ANALYSIS:

The cost is per radio on a monthly basis to use the equipment necessary to make the communications happen. As more departments in the state come onto the system the monthly cost will go down. At this time the cost is figured at \$5.83 per radio with a maximum of \$120 per year or \$10 per month per radio(according to MOU). We will be putting into service 56 radio's March 1st x 7 months left in budget year 2009/2010 = \$2,285.36 which cost had been anticipated and was included in this year's budget.

PERFORMANCE ANALYSIS:

This will allow us to communicate with more clarity and on a wider range then ever before. Right now due to the VHF(Fire) vs. UHF(PD) we are unable to communicate with each other over our radio's and the coverage area is minimal at best. For the fire department we cannot talk across town with our own portable radio's which adds a stress element to each call. With the new system we are finding reception to considerably better in our city and surrounding area, we would be able to hear and communicate throughout most of the county.

QUALITY OF LIFE ANALYSIS:

What this new system does for the safety of the firefighters and police officers is allow an interoperable system that can be used by both agencies so the communications will be more precise and expedient in emergency situations and will allow more versatility in non-emergency

day to day operations. This system will have the capability for fire and police to communicate during events with several channels specifically set aside for that purpose.

DECISION POINT/RECOMMENDATION:

That the council accepts the MOU as a usage agreement with Kootenai County so that we can be a part the interoperable radio system

MEMORANDUM OF UNDERSTANDING

Between

KOOTENAI COUNTY and THE CITY OF COEUR D'ALENE

This MEMORANDUM OF UNDERSTANDING (hereinafter "MOU") is hereby entered into by and between KOOTENAI COUNTY (hereinafter "County"), a political subdivision of the State of Idaho and the CITY OF COEUR D ALENE (hereinafter "City"), a political subdivision of the State of Idaho.

- I. **PURPOSE** - The purpose of this MOU is to set forth the parties responsibilities and costs to participate in the Southwest Idaho Wireless Integrated Network (SWIWIN) Exhibits "A" and "B", attached hereto and incorporated herein by reference, are the system management operating procedures and fee schedule. The SWIWIN is a statewide emergency radio system operating at 700 MHz that is operated and maintained by Ada County, a political subdivision of the State of Idaho. The County and Ada County have entered into an agreement (hereinafter "Agreement"), attached hereto and incorporated herein as Exhibit "C", which allows the County and other local emergency response agencies to use the SWIWIN. This MOU also outlines the system management, training, and maintenance of the Zone 1 Master Site and digital 700 MHz trunking system. With the intent of providing uninterrupted connection with the State of Idaho's Land Mobile Radio System.

- II. **RESPONSIBILITIES** –
 - a. The County shall:
 - i. Negotiate annual cost recovery changes with Ada County and submit the charges for the next annual period to the City for review and approval. In no event with the annual cost to the City exceed One Hundred and Twenty Dollars (\$120.00) per subscriber unit (radio).
 - ii. Submit a quarterly invoice to the City's Finance Department for the subscriber unit payments and, upon payment by the City, remit them to Ada County.
 - iii. Obtain from the City a quarterly report showing current number of subscriber units, including radio ID's, which will be submitted to Ada County.
 - iv. Submit any proposed changes to the MOU or Agreement to the Kootenai County 9-1-1 Advisory Board for review prior to adoption by the Board of County Commissioners.

- v. Establish and maintain all necessary 700 MHz, VHF and UHF infrastructure using designated communications sites including licensing all frequencies used for dispatch or communication on the 700 MHz system and coordinating all microwave and other infrastructure maintenance with the current service provider.
 - vi. Provide service link to the Idaho State Public Safety Communications System via the microwave station located on Mica Peak.
- b. The City shall:
- i. Adhere to the requirements outlined in Exhibit “A” (SWIWIN operating procedures).
 - ii. Remit quarterly payments to the County Auditor payable to account 10124,
 - iii. Provide the County with a quarterly report showing the current number of subscriber units, including radio ID’s.
 - iv. Coordinate all licensing through Kootenai County 9-1-1.

Additional maintenance or coverage area will be the responsibility of both parties and will be shared equally.

III. TERM AND TERMINATION –

- a. This MOU will become effective on the date of the last signature below, and shall remain in effect for one (1) year thereafter, unless previously terminated by either party.
- b. If this MOU has not been terminated prior to the end of the initial term, it may be renewed by written mutual agreement of the parties on such terms and for such period as the parties may deem appropriate.
- c. Either party may terminate this MOU, with or without cause, with thirty (30) days written notice to the other party.

IV. GENERAL PROVISIONS – The parties agree that:

- a. If circumstances change, operational difficulties arise or misunderstandings develop, the parties will meet and confer at the request of either party to discuss the issue and proposed solutions. Further, each party agrees not to bring a claim, initiate other legal action or suspend performance without meeting directly with the other party regarding the subject matter of the disagreement.

- b. Amendments to this MOU may be made only by mutual written agreement, signed and dated by both parties.
- c. Each party is liable for any and all claims, damages or suits arising from the acts, omissions or negligence of its officers, agents and employees.
- d. This MOU shall in no way restrict either the City or County from participating in similar activities with other public or private agencies, organizations, and individuals.
- e. Departments or agencies under Kootenai County 9-1-1 Consolidated Dispatch may opt out of this service. By opting out of this service the agency/department understands there is no guaranteed coverage area or access to the 700 MHz infrastructure.
- f. Kootenai County 9-1-1 Advisory Board will adopt new users and make recommendations to the Board of County Commissioners concerning 700 MHz infrastructure usage.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding as of the last date written below.

DATED this _____ day of _____, 2010.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

**ATTEST:
DANIEL J. ENGLISH, CLERK**

Elmer R. Currie, Chairman

By: _____
Deputy Clerk

Richard A. Piazza, Commissioner

W. Todd Tondee, Commissioner

DATED this _____ day of _____, 2010.

CITY OF COEUR D'ALENE

ATTEST:

Sandi Bloem, Mayor

Susan K. Weathers, City Clerk

EXHIBIT'S A, B & C

to the

MEMORANDUM OF UNDERSTANDING

Between

KOOTENAI COUNTY and THE CITY OF COEUR D'ALENE

**AVAILABLE FOR VIEWING
AT THE CITY COUNCIL
DESK AT CITY HALL**

PUBLIC WORKS COMMITTEE STAFF REPORT

DATE: February 22, 2010
FROM: Tim Martin, Street Superintendent
SUBJECT: **DECLARE SURPLUS USED EQUIPMENT**

DECISION POINT:

The purpose of this report is for consent to declare various pieces of used equipment and items to be deemed surplus and authorization to auction.

HISTORY:

For many years we had partnered with the School District and Kootenai County to provide an auction for us to surplus used equipment. The last several years the county and school district have used a reputable auction house to clear their used items. We have used the clearing house for a few vehicles in the past and this works well. We no longer have space at the Ramsey site for storage between auctions nor is it feasible to hold our own auction.

PERFORMANCE ANALYSIS

This equipment has been deemed of little value to departments. We looked to provide or offer in-house before we sent items to surplus.

FINANCIAL ANALYSIS

There is no cost to the taxpayers. The Auction house takes a percentage of the bid auction item. Very minimal cost to the department for us to shuttle items to Post Falls.

DECISION POINT:

The purpose of this report is to ask for Council Consent to declare this equipment surplus.

(attachment): Items to be Auctioned

**2010
AUCTION LIST**

- 1 Challenger 9,000 lb two post vehicle lift.
Model number 27,000
Serial number 242013

- 1 Grand 9,000 lb two post vehicle lift.
Model number TPO9A.
Serial number HRO76I

- 1988 GMC 2500 V8 Automatic with 9' Flatbed
VIN# 1DGC34KOJE532934 -133,600 Miles. (ST265)

- 1980 GMC 6000 V8 Standard Transmission with SRECO Sewer Rodder
VIN# T16DAAV578635 - 56,500 Miles (ST261)

- 1998 CHEVROLET LUMINA 4 DOOR
VIN# 2G1WL52K4W9209294 - 97,500 Miles (BLDG352)

- 1992 GMC SONOMA Pick Up 2.5 liter Engine, Manual Transmission
VIN#1GTCS14A5N8519635 - 19635 - 76,252 Miles (POL574)

- 1991 Chevy Lumina, White 4 Door, 4 Cyl. Auto sedan .
VIN # 2G1WL54R8M9220367 - 62,000 Miles (WTR700)

- SINGLE AXLE TRAILER WITH 250 GALLON TANK AND AIR COOLED ENGINE DRIVEN
PUMP USED FOR APPLING TACK OIL (ST AMZ UNIT)

- 1 KNAPHEIDE 8'X12' DUMP FLAT BED WITH ELECTRIC OVER HYRAULIC DUMP UNIT.
(TAKE OFF FROM ST295)

- 1 WALKER 5,000 LB CAPACITY AIR OPERATED BUMPER JACK

- 1 SOLAR KLEEN ANTFREEZE RECYCLER.
MODEL NUMBER 5010

- 1 BLACK FIBERGLASS TRUCK CANOPY

- 1 LEER TONNEAU COVER FITS 1998 FORD F150 8' BED

- 1 250 GALLON OIL/FUEL ELEVATED ROUND STORAGE TANK.

- 1 1974 PAC Trailer Serial #RPA1541587 (PARKS 0836)

RECREATION

- 4 Sportables Scoreboards
- 1 NEVCO Scoreboard

MISCELLANEOUS

- 1 - 4 Drawer Legal tan File Cabinet
- 1 - 4 Drawer Legal black File Cabinet
- 1 - 4 Drawer Letter grey File Cabinet
- 2 - Metal Desks (Street Mezanine)
- 1 -- Tan Adjustable Footrest

SURPLUS AUCTION 2009

Quantity	Unit	Item Description	Notes (condition)	Dept.
6	ea	Metal filing cabinets (five drawer) tan/grey/blk		PD
1	ea	Wood display cabinet		PD
1	ea	Stand alone computer desk 48" by 60" high		PD
2	ea	Metal desks		PD
1	ea	Wood desk (Insert from report taker van)		PD
2	ea	Plastic desks. 1 is 6 by 3 ft and one is 2 by 4 ft		PD
1	ea	File cabinet with safe insert (has combination)		PD
1	ea	Wood shelf insert (from Lieutenant office at City Hall)		PD
11	ea	Wireless receivers (transmit between receiver and amplifier)		PD
1	ea	Bull Horn		PD
1	ea	1989 Kawasaki Police 1000.	Weak cylinder requiring wrk	PD
1	ea	1994 Kawasaki Police 1000.	Clutch out. Needs work	PD
		Both are retired Spokane Police bikes.		PD
		Both bikes will be stripped of all logos and police gear and lights etc.		PD
11	ea	6 x 8 x 24" metal boxes (previosly bolted in patrol vehicles to		PD
12	ea	VHS recorders	Mostly inoperable	PD
1	ea	Adding machine		PD
2	ea	Polaroid Spectra Cameras		PD
1	ea	35 mm Cannon T 50 camera with lenses.	Serial #: 2406932	PD
3	ea	Soft Rifle cases		PD
1	ea	8mm Samsung video recorder	Serial #: 67BR8051232	PD
1	ea	Radio Shack cassette recorder		PD
1	ea	3.5 inch disk Sony video camera	Serial #:17087	PD
1	ea	110 film Cannon camera		PD
1	ea	Mini cassette recorder		PD
1	ea	Sentry portable safe with key		PD
1	ea	2 person tent		PD
1	ea	First Alert portable fire extinguisher		PD
		Miscellaneous office supplies and printer cartridges		PD

SURPLUS AUCTION 2009

Quantity	Unit	Item Description	Notes (condition)	Dept.
		Miscellaneous text books		PD
1	ea	White pressboard cabinet with doors		PD

REQUEST FOR DESTRUCTION OF RECORDS
DEPARTMENT: **POLICE**
DATE: **02/22/10**

RECORD DESCRIPTION	TYPE OF RECORD (Perm./Semi-P/Temp)	DATES OF RECORDS (From - To)
Daily Vehicle Inspection Slips and Daily Vehicle Status Reports (hard copy and electronic), Vehicle Procurement Records, and Vehicle & Equipment Inventories.	Temp/Copy	January 2007- December 31,2007
Daily Vehicle logs, Gas Bills, Cite Logs	Temp/Copy	January 1, 2001 – December 31, 2004

**CITY COUNCIL
STAFF REPORT**

DATE: *March 2, 2010*
FROM: *Steve Childers, Captain*
SUBJECT: *Abandoned Vehicle Disposition*

Decision Point:

Continued authorization of civilian volunteer personnel to mark, tag and tow abandoned vehicles within the City limits of Coeur d'Alene. The Police Department is adding a new volunteer to this position.

History:

On December 19, 2006, City council adopted Resolution 06-080: Authorizing civilian volunteers from the Coeur d'Alene Police Department, as designated by City Council, "Authorized Officers" able to perform the function of removing abandon or junk vehicles.

Financial Analysis:

The authorization allows for civilian volunteers to handle abandoned vehicle complaints would require no additional funds from the Police Budget. Volunteer uniforms and equipment are purchased with funds already allocated to the Police Department on a yearly basis.

Performance Analysis:

Authorization of civilian volunteers to handle abandoned vehicles allows for officers to spend more time on priority calls for service.

Decision Point:

We are requesting authorization be given to civilian volunteer Leonard Reed to mark, tag and tow abandoned vehicles.

ANNOUNCEMENTS

Memo to Council

DATE: February 22, 2010

RE: Appointments to Boards/Commissions/Committees

The following appointment is presented for your consideration for the March 2nd Council Meeting:

MIKE DODGE

ARTS COMMISSION

A copy of the data sheet is in front of your mailboxes.

Sincerely,

Amy Ferguson
Executive Assistant

cc: Susan Weathers, Municipal Services Director
Steve Anthony, Arts Commission Liaison

OTHER COMMITTEE MINUTES
(Requiring Council Action)

February 22, 2010
**GENERAL SERVICES COMMITTEE
MINUTES**

COMMITTEE MEMBERS PRESENT

Mike Kennedy, Chairperson
Ron Edinger
John Bruning

CITIZENS PRESENT

Craig Ely, Del Sol
Dave Pulis, Moose Lounge / Moose Market
Terry Cooper, Downtown Association
Bill Reagan, Tito's
Tom Hasslinger, CDA Press

STAFF PRESENT

Jim Washko, Deputy Fire Chief
Jon Ingalls, Deputy City Administrator
Mike Gridley, City Attorney
Tim Martin, Street Superintendent
Chief Wayne Longo, Police
Kathy Lewis, Deputy City Clerk
Susan Weathers, City Clerk
Capt. Steve Childers, Police

**Item 1. Memorandum of Understanding / 700 MHz Radio Usage.
(Consent Resolution No. 10-006)**

Deputy Chief Washko is requesting Council approval of the MOU for user responsibilities and fees associated with the 700 MHz radio system being installed in the County. Mr. Washko reported that for some time, the Coeur d' Alene Fire Department and Police Department have been on different communication systems and so has the rest of the country. After several major incidents in our nation it has come to the attention, at a national level, that there needs to be a common communication system. The fire departments, police departments and the county dispatch center have been working several years to establish an interoperable system here in the county. The cost is per radio on a monthly basis to use the equipment necessary to make the communications happen. As more departments in the state come onto the system the monthly cost will go down. At this time the cost is figured at \$5.83 per radio with a maximum of \$120 pre year or \$10 per month per radio(according to MOU). The Fire Dept. will be putting into service 56 radio's March 1st x 7 months left in budget year 2009/2010 = \$2,285.36 which cost had been anticipated and was included in this year's budget. The new radio system will allow us to communicate with more clarity and on a wider range then ever before. Right now due to the VHF(Fire) vs. UHF(PD) we are unable to communicate with each other over our handheld radio's and the coverage area is minimal at best. For the fire department, we cannot talk across town with our own portable radio's, which adds a stress element to each call. With the new system we are finding reception to considerably better in our city and surrounding area, we would be able to hear and communicate throughout most of the county.

MOTION: by Councilman Edinger, seconded by Councilman Bruning, that Council adopt Resolution NO. 10-006 approving the Memorandum of Understanding with Kootenai County for user responsibilities and fees associated with the 700 MHz radio system being installed in the County.

**Item 2. Policy Amendments / Food and Alcoholic Beverages on Public Sidewalks.
(Resolution No. 10-007)**

Jon Ingalls presented amendments to the Food and alcoholic Beverages on Public Sidewalks for the Councils review and comment. Staff is requesting review of the policy due to the nature of some eating establishments changing, as one downtown proprietor stated: "Fine dining is going away for a long time." At least one downtown dining establishment is being transformed into more of a nightclub environment. Also, recent

incidents have created some concerns for safety and security in downtown areas. At the same time, with the completion of the Midtown Improvement Project, staff expects a significant number of new applications for outdoor food and alcohol service areas on public sidewalks in midtown and elsewhere.

Susan Weathers, City Clerk, gave an overview of the policy revisions since its adoption in 1989.

Mr. Ingalls went over the 10 key aspects of the policy that the City Council may wish to consider.

PUBLIC COMMENTS

Dave Pulis, Moose Lounge/Moose Market: Serves pizza, chicken wings, taquitos, etc. all baked from a pizza oven, not requiring hood system. Moose Lounge – Market has had outdoor seating for two years. It would be a negative impact on his business if he wasn't able to have outdoor seating. Mr. Pulis is not for higher fees on anything.

Terry Cooper, Cd'A Downtown Association: Association supports closing the outdoor seating at 10:00 rather than 11:00. When the stanchions were installed, it was at a considerable cost to the business owners, therefore, Mr. Cooper believes the current fees are more than fair and should not be raised. They believe the outdoor seating has created an economic plus for the downtown. The Association purchased a \$10,000 steamer to clean the sidewalks when needed. Each business owner pays the DTA additional fees for cleanup.

Bill Reagan, Tito's: The outdoor seating makes the downtown more vibrant for the businesses as well as the downtown residents. "We are very unique in that we have a lake in our downtown," Mr. Reagan stated. Mr. Reagan believes the outdoor seating has been a very successful program. He doesn't believe the current hours are a problem. The design is good, except for the sidewalk seating. He agrees that the seating should be against the building façade. He believes the \$100 fee is good enough due to the current economic situation. Councilman Edinger asked if Tito's cleans their own sidewalks or do they use the DTA equipment. Mr. Reagan responded that they have their own equipment and they clean their own sidewalks.

Craig Ely, Del Sol: Is concerned with public safety and health and environmental consideration with regard to smoking. Since the establishments no longer allow smoking indoors, and the smoking has moved outdoors, the smoking has become intrusive to other businesses. He would support regulations, as adopted by the City of Hayden and by ID code that would ban smoking within 20 feet of the entrance to a business.

Chief Longo: The Chief, Capt. Childers and Sgt. Brainard met with many of the downtown business owners to talk about the fighting issues going on downtown. They talked about the Police Department's planned enforcement efforts as well as the expected efforts upon the business owners to basically "police their own." Chief Longo stated that since the smoking has been moved outside, and because of the gathering of smokers, it has become a common denominator for the fighting. The Police Department is trying to get a plan into place before the busy season. The Chief supports changing the permitted hours from 11:00 to 10:00, not that it will solve all the problems, but it would help. Councilman Kennedy asked if he felt the business owners were receptive to the Police Department concerns. Chief Longo responded, yes. The Police Department wanted the invitation to the meeting to be personal. Therefore, they made the invitations in person. Comments received from the business owners was that "it's time to do this", some said "it's past-time to do this." The Police Department didn't want to come across as being heavy handed. It's not just a Police Department problem, but a downtown problem.

COMMITTEE MOTIONS:

1. Add an intent/emphasis statement: Under "Application" section, paragraph 1, consider adding a clarification that states: "The intent of this policy to allow a full service restaurant to serve alcohol only secondary to their primary business of serving food as a restaurant. Public sidewalk seating areas may not be allowed function as 'beer gardens' or drinking areas whereby they appear to function primarily as drinking areas."

MOTION: by Councilman Bruning, seconded by Councilman Edinger, that Council approve the added intent/emphasis statement as presented and the permitted closing hours for allowed alcohol service in conjunction with a meal would be 10:00 p.m. for full service restaurants and 9:00 p.m. for limited service restaurants. Motion carried.

2. Evidence of restaurant operation: To evaluate the permit application, consider adding a statement under the "Application" section that requires the applicant to furnish a copy of the menu available for the sidewalk service area and hours that food service is available.

MOTION: by Councilman Edinger, seconded by Councilman Bruning, that Council approve as presented. Motion carried.

3. Permitted Hours: For the safety of the public and in recognition that permitted seating areas exist primarily for food service, should the hours for allowed alcohol service in permitted Food and Alcoholic Beverage Service Areas be adjusted from 11:00 pm to 10 pm?

MOTION: by Councilman Edinger, seconded by Councilman Bruning, that Council amend the closing hours for alcohol service in conjunction with meals to 10:00 p.m. for full service restaurants and 9:00 for limited service restaurants. Motion carried.

4. Size of seating areas: Under the "Design and Layout Standards" paragraph 1, consider adding the words: "The design will allow for a small/modest seating area thereby reserving the majority of the sidewalk width for pedestrian travel. A 42 inch minimum passage will only be approved in situations where a sidewalk is narrow."

MOTION: by Councilman Bruning, seconded by Councilman Edinger, that Council approve as presented. Motion carried.

5. Location of seating areas: Under the "Design and Layout Standards" paragraph 1, consider deleting the reference to tables along the curb and require all seating to be located along the building facade. Allowing a mixture of building facade and curb seating areas causes bottlenecks to the passage of pedestrians and has resulted in a number of complaints.

MOTION: by Councilman Edinger, seconded by Councilman Bruning, that Council approve as presented. Motion carried.

6. Clean up: The City Council may wish to add more stringent language under "Conditions of Approval" section requiring strict adherence to cleanliness standards and requiring seating areas and entire business frontage cleaned by 7 a.m. each morning and adding a statement that failure of strict compliance will result in loss of permit.

DISCUSSION: Councilman Kennedy asked if a nighttime establishment has a patron that causes something to occur in front of a non-nighttime establishment, who is going to clean it up. Mr. Cooper responded that the Downtown Association has maintenance person who works from 5:00 a.m. to 8:00 a.m., 7 days a week in the summer, and Monday – Saturday in the winter. Through him, they can monitor the sidewalks.

MOTION: by Councilman Bruning, seconded by Councilman Edinger, that Council approve as presented. Motion carried.

7. Control of Loitering: The City Council may wish to add language requiring that the permittee not allow loitering around their permitted encroachment area, and that failure to control could result in revocation of the permit.

DISCUSSION: Councilman Bruning asked the Police Department if the City has a definition of loitering in the City Code. Capt. Childers responded, no. Mr. Ingalls stated that, while the City doesn't have a definition of loitering, it's a good-faith intent to discourage loitering. Capt. Childers stated that we need to be careful because if cigarette receptacles are placed on the sidewalks, those smoking and standing around the receptacles could be seen as loitering. STAFF is directed to review this item for future consideration.

MOTION: by Councilman Bruning, seconded by none, motion failed.

8. Lighting: The City Council may wish to add language requiring that the encroachment area be adequately lit during darkness for safety.

DISCUSSION: Councilman Edinger stated that the downtown is already well lit. He is not in favor of this as it's an additional burden upon the business owners. Susan Weathers clarified that the lighting is more for the stanchions. During dark hours people don't always see the stanchions in the sidewalk. An example would be running tube lighting around the chains of the stanchions. Councilman Kennedy does not agree that additional lighting is needed.

MOTION: by Councilman Bruning, seconded by Councilman Edinger (for discussion) that Council approve as presented. Motion failed.

9. Cigarette Butt Receptacle. For cleanliness the City Council may wish to require an approved cigarette butt receptacle be provided for each seating area.

DISCUSSION: Councilman Edinger stated that this item falls within the loitering issue and will be hard to police. Further discussion ensued whether business owners should be required to place receptacles, such as ashtrays, on each table.

MOTION: by Councilman Edinger, seconded by Councilman Bruning, that Council direct staff to review this item for future consideration. Motion carried.

10. Fees: Should the fees be increased to more accurately reflect the value of the use of the public sidewalks? The current fee is \$100.00/year (standard encroachment permit fee).

MOTION: by Councilman Edinger, seconded by Councilman Bruning, that Council keep the \$100 fee for the 2010 year and direct staff to review and consider a fee increase for the 2011 season. Motion carried.

MOTION: by Councilman Bruning, seconded by Councilman Edinger, that Council adopt a new Food and Alcoholic Beverage Service Areas on Public Sidewalks as amended above. Motion carried.

Item 3. Update / Citizen Request to Ban Cell Phone Use while Driving.
(Information Only)

At the January 25th General Services meeting, staff was directed to research regulations regarding the use of cell phones while driving. Mr. Gridley reported that the state legislature has also taken up this matter. Mr. Gridley referenced Idaho Legislature Senate Bill 1264 which would amend existing law to provide that texting while driving a motor vehicle shall constitute inattentive driving. Senate Bill 1352 would amend and add to existing law relating to motor vehicle and cellular telephones to prohibit the use of cellular telephones while operating a motor vehicle, to provide exceptions and to provide a penalty.

Mr. Gridley noted that the city could move forward to implement cell phone restrictions at this time, however, with this matter pending in legislature, it might make more sense to wait to see what they do at the state level. If the state does not take action, the city could then come back and create regulations for the City of Coeur d'Alene. Mr. Gridley said he also found several studies that have come out that report cell phone usage is not as much a cause for accidents as once was thought.

The meeting adjourned at 1:44 p.m.

Respectfully submitted,

Juanita Knight
Recording Secretary

**GENERAL SERVICES
STAFF REPORT**

DATE: February 22, 2010
FROM: As Recommended by the Executive Team

**SUBJECT: FOOD AND ALCOHOLIC BEVERAGE SERVICE AREAS ON
PUBLIC SIDEWALKS**

DECISION POINT:

Would the City Council wish to revisit and/or modify the policy pertaining to Food and Alcoholic Beverage Service Areas on Public Sidewalks established by Resolution No. 06-033 as amended by Resolution No. 08-015 (attached)?

HISTORY:

The City Council has established a policy that provides the standards and conditions that must be met by a restaurant applying for an annual encroachment permit for the use of a public sidewalk to serve food and alcoholic beverages. The policy has been amended over the years in response to input from business owners and citizens. Most recently, the policy was amended to allow for the serving of alcohol in glassware, and the policy was amended to require metal stanchions to define and better control the permitted serving areas in response to complaints that the serving areas tended to get spread out and disrupt the passage of pedestrians. Why review the policy now? The nature of some eating establishments may be changing, as one downtown proprietor stated: "Fine dining is going away for a long time." At least one downtown dining establishment is being transformed into more of a nightclub environment. Also, recent incidents have created some concerns for safety and security in downtown areas. At the same time, with the completion of the Midtown Improvement Project, staff expects a significant number of new applications for outdoor food and alcohol service areas on public sidewalks in midtown and elsewhere.

FINANCIAL ANALYSIS:

Resolution No. 00-075 established an annual \$100.00 encroachment fee to be paid for establishing a Food and Alcoholic Beverage Service Area on a public sidewalk. The City Council may wish to revisit this fee for equitability. Applicants are required to pay appropriate per seat sewer cap fees (\$19.28/seat) relating to the impact that the additional seating has on sewer treatment loading.

PERFORMANCE ANALYSIS:

Some key aspects of the Food and Alcoholic Beverage Service Areas on Public Sidewalks policy that the City Council may wish to consider among others:

1. Add an intent/emphasis statement: Under "Application" section, paragraph 1, consider adding a clarification that states: "The intent of this policy to allow a full service restaurant to serve alcohol only secondary to their primary business of serving food as a restaurant. Public sidewalk seating areas may not be allowed function as 'beer gardens' or drinking areas whereby they appear to function primarily as drinking areas."

2. Evidence of restaurant operation: To evaluate the permit application, consider adding a statement under the “Application” section that requires the applicant to furnish a copy of the menu available for the sidewalk service area and hours that food service is available.

3. Permitted Hours: For the safety of the public and in recognition that permitted seating areas exist primarily for food service, should the hours for allowed alcohol service in permitted Food and Alcoholic Beverage Service Areas be adjusted from 11:00 pm to 10 pm?

4. Size of seating areas: Under the “Design and Layout Standards” paragraph 1, consider adding the words: “The design will allow for a small/modest seating area thereby reserving the majority of the sidewalk width for pedestrian travel. A 42 inch minimum passage will only be approved in situations where a sidewalk is narrow.”

5. Location of seating areas: Under the “Design and Layout Standards” paragraph 1, consider deleting the reference to tables along the curb and require all seating to be located along the building facade. Allowing a mixture of building facade and curb seating areas causes bottlenecks to the passage of pedestrians and has resulted in a number of complaints.

6. Clean up: The City Council may wish to add more stringent language under “Conditions of Approval” section requiring strict adherence to cleanliness standards and requiring seating areas and entire business frontage cleaned by 7 am each morning and adding a statement that failure of strict compliance will result in loss of permit.

7. Control of Loitering: The City Council may wish to add language requiring that the permittee not allow loitering around their permitted encroachment area, and that failure to control could result in revocation of the permit.

8. Lighting: The City Council may wish to add language requiring that the encroachment area be adequately lit during darkness for safety.

9. Cigarette Butt Receptacle. For cleanliness the City Council may wish to require an approved cigarette butt receptacle be provided for each seating area.

10. Fees: Should the fees be increased to more accurately reflect the value of the use of the public sidewalks? The current fee is \$100.00/year (standard encroachment permit fee).

DECISION POINT/RECOMMENDATION:

Would the City Council wish to revisit and/or modify the policy pertaining to Food and Alcoholic Beverage Service Areas on Public Sidewalks established by Resolution No. 06-033 as amended by Resolution No. 08-015?

Attachment: Amended Policy - Food and Alcoholic Beverage Service Areas on Public Sidewalks

RESOLUTION NO. 10-007

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING THE POLICY FOR FOOD AND / OR ALCOHOLIC BEVERAGE SERVICE AREAS ON PUBLIC SIDEWALKS.

WHEREAS, the need for citywide policies regarding food and/or alcoholic beverage service areas on public sidewalks was established by Resolution No. 06-033 and amended by Resolution No. 08-015; and

WHEREAS, City Administration has proposed amendments to these policies, and the same were discussed at the General Services Committee meeting February 22nd, 2010; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof that such amendments to the policy be adopted; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the amended policy, attached hereto as Exhibit "A", be and is hereby adopted.

DATED this 2nd day of March, 2010

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

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

ROLL CALL:

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER HASSELL Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER GOODLANDER Voted _____

COUNCIL MEMBER BRUNING Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

AMENDED
POLICY

POLICY: FOOD AND ALCOHOLIC BEVERAGE SERVICE AREAS ON PUBLIC SIDEWALKS.

PURPOSE: TO ESTABLISH CRITERIA FOR ISSUING ENCROACHMENT PERMITS FOR THE PURPOSE OF ALLOWING THE SERVICE OF FOOD AND/OR ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PUBLIC SIDEWALKS.

Purpose Statement:

The purpose of this policy is to establish the process for issuing annual encroachment permits allowing the service of food and alcoholic beverages for consumption on public sidewalks adjacent to restaurants within city limits. This policy also establishes the guidelines that must be followed by the licensed facility in order to retain the permit. No alcoholic beverages may be sold, served, or consumed at the outdoor eating facility except as may be authorized pursuant to this policy.

Application:

In order to be complete, the application must contain the following information or be accompanied by the following attachments:

1. An indication that that the applicant is seeking a food only or a food and alcohol permit. To qualify for a food and alcohol permit the eating establishment must meet the definition of eating establishment contained at M.C. 5.08.015.
2. If a food and alcohol permit is sought, a copy of the subject eating establishment's liquor licenses (including beer and/or wine) must be provided. Provided however that the applicant may apply for a City liquor license at the same time.
3. A drawing or other visual depiction of the type, layout and number of tables, chairs and the stanchion and barrier system and signage to be used in the encroachment area, if applicable, as well as the width of the sidewalk along the frontage of the eating establishment and all pathway obstructions in the sidewalk across the frontage. For the purpose of this policy, obstructions include but are not be limited to light poles, building facades, trees, tree grates, umbrellas, chairs/benches, tables, partitions, or other street furniture.

4. The appropriate fee as set by resolution of the City Council.
5. The appropriate per seat sewer cap fee.
6. A liability insurance policy, acceptable to the City Attorney, naming the City as an additional insured in the amount of \$500,000 for property damage or bodily or personal injury or death or loss as a result of any one occurrence or accident regardless of the number of person injured or the number of claimants. The policy must remain in effect for the term of the permit and provide for specific notification to the City in the event that the policy is cancelled.
7. The intent of this policy is to allow a full or limited service restaurant to serve alcohol secondary to their primary business of serving food as a restaurant. Public sidewalk seating areas may not be allowed function as “beer gardens” or drinking areas whereby they appear to function primarily for the purpose of drinking. For example, if the permittee curtails food service to the encroachment area at 8 pm then alcohol may not be served or consumed after 8 pm inside the permitted encroachment area. The applicant also must furnish a copy of the menu available for the sidewalk service area and the hours that food service is available to the outdoor seating area that demonstrates the primary business as a full or limited service restaurant.

All applications shall be submitted to the City Clerk who will, upon compliance with this policy and other applicable laws and standards, issue the appropriate permit, which shall expire on December 31st of each year.

Design and Layout Standards:

1. The encroachment area must be designed to ensure a continuous 42” wide clear passage for pedestrians at a minimum and to ensure that the sidewalk meets ADA standards for accessible routes. In addition, the layout of the encroachment area must ensure that the tables, chairs and any other furniture or structure placed in the encroachment area does not interfere with other sidewalk furnishings or with the ability of a person to exit a vehicle parked at the curb.
2. The design will allow for a small/modest seating area thereby reserving the majority of the sidewalk width for pedestrian travel. A 42 inch minimum passage will only be approved in situations where a sidewalk is narrow.
- 2.3. Outdoor eating facilities located at intersections may not place tables or other vision obstructions within the vision triangle as defined by M.C. 12.36.425.

3.4. The encroachment area may not extend beyond the side walls of the principal eating facility perpendicular to the street, ~~or if using space next to curb, no tables may be placed next to building.~~ and must be contiguous to the front of the building.

4.5. Tables placed on side streets may be no larger than 24” in diameter.

Food and Alcohol Permit Additional Design Requirements:

5.6. Approved semi-permanent partitions of the type depicted in this policy must be utilized to enclose the encroachment area. The stanchions must be affixed to the sidewalk by core drilling and placing a socket and cap fixture into the sidewalk with the top of the socket installed flush with the sidewalk. The stanchions must be a minimum of 36” tall and no higher than 42” and 1.5 to 2” in diameter and the socket depth must be at least 4”. The stanchions may be spaced no more than 10’ apart. An approved all weather material rope or light weight chain barrier must be securely attached to each stanchion and the building façade so as to enclose the encroachment area. The barrier must be attached in taut manner so as to maintain a rigid perimeter. If the top barrier is higher than 36”, a second barrier must be installed midpoint between the top barrier and the sidewalk. The stanchion and barriers must be locked or secured in such a manner that will prevent them from being detached or removed without the assistance of the establishment’s staff. When the stanchions are removed from the socket, a socket fixture cap must be installed and maintained in a level, secure manner.

6.7. A sign no smaller than nine inches (9”) by twelve inches (12”) must be posted at a height of five feet (5’) at each exit from the encroachment area. The sign must read: “It is unlawful to consume on these premises any alcoholic beverage not purchased here or to remove any open container of alcohol from the sidewalk eating area.”

Conditions of Approval

All permit holders:

The permit, if granted by the City, is conditioned on the permittee maintaining the encroachment area in the manner depicted in the application. In addition, the permittee must:

1. Take all necessary steps to prevent patrons, and/or employees from encroaching into the required clear passage area.
2. Maintain the encroachment area and surrounding areas in a clean and sanitary manner, including, but not limited to, maintaining appropriate trash receptacles on restaurant property as well as sweeping the full right-of-way on a daily basis. The permittee must also immediately clean any spills, food debris, broken glass and other trash which may

accumulate on the sidewalk. Strict compliance with cleanliness standards is required for the public's benefit and the encroachment area and entire business frontage must be cleaned by 7 am each morning. Failure to comply with this requirement will result in loss of permit.

3. Promptly comply with all requests of a duly authorized representative of the City regarding removal of stanchions, street furniture or glassware in the event the City determines that the use of stanchions, street furniture or glassware creates a public safety hazard.
4. Comply with all other local, state, or federal laws, ordinances, and regulations, including but not limited to health rules, laws pertaining to the sale and consumption of alcoholic beverages, and fire code regulations.
5. Permits will be valid April 1 through October 15 annually.

Additional Conditions for Food and Alcohol Permit Holders:

6. Prohibit the sale or consumption of alcoholic beverages in the encroachment area between the hours of ~~10~~1:00 p.m. and 10:00 a.m. for full service restaurants (9:00 p.m. and 10:00 a.m. for limited service restaurants per code).

~~7.~~ Take all necessary steps to prevent patrons from leaving the encroachment area with an alcoholic beverage.

~~8.~~7. Beverages may be poured from bottles into glass or plastic ware by employees of the restaurant provided that empty bottles are promptly removed. Wine, when purchased by the bottle, may be placed at the table or the wine may be transferred to a carafe. However, any unused portion to be removed from the premises must be packaged in a manner to prevent public consumption or an open container violation.

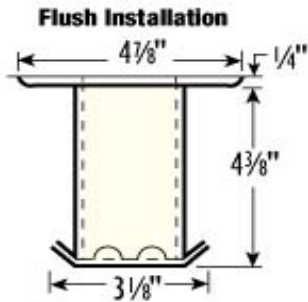
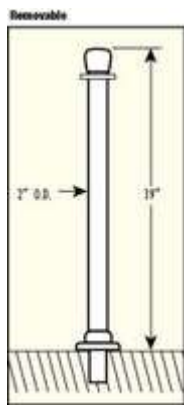
~~9.~~8. Not use glassware during the following events or other public events that the City determines creates a public safety hazard due to overcrowding, congestion or other public safety concerns. In the event that the City determines that glassware may not be used the City will endeavor to provide as much notice as is reasonably possible given the then existing circumstances.

- a. Car d'Alene.
- b. 4th of July.
- c. Hog Rally

Denial and Revocation of Permits:

The process of revocation and the grounds therefore shall be governed by the encroachment permit. The City reserves the right to deny new permits to eating establishments for any reason that would justify revocation of a permit.

Typical Stanchion and Socket:



OTHER BUSINESS

CITY COUNCIL STAFF REPORT

DATE: March 2, 2010
FROM: Gordon Dobler, Engineering Services Director
SUBJECT: Consultant Services for Education Corridor Preliminary Infrastructure Design

DECISION POINT

Staff is requesting Council authorization to proceed with an RFP and contract negotiation for professional engineering services to develop the preliminary infrastructure design for the Education Corridor

HISTORY

The stakeholders in the education corridor would like to proceed with defining the infrastructure needs for the corridor. These include the extension of Hubbard Ave, additional access to Northwest Blvd, the long term disposition of Mullan Rd, location of the Centennial trail, pedestrian and bicycle corridors, utility needs, etc. The purpose of the preliminary design is to refine the existing concepts into a comprehensive design that can then be used for final design and construction of the various facilities.

FINANCIAL ANALYSIS

The cost of the study is estimated to be \$200, 000. The funding sources would be University of Idaho (\$3000), Lewis-Clark College (\$3000), Idaho Transportation Department (\$3000), NIC (\$3000), City of Coeur d'Alene (\$25,000), and LCDC (\$163,000). The City's portion will come from the Wastewater Utility. It is not currently budgeted so it will be included in the comprehensive budget amendment.

PERFORMANCE ANALYSIS

There have been several studies and plans for development of infrastructure within the Education Corridor. This preliminary design will pull them all together and produce a comprehensive design, with buy in from all the stakeholders. That is necessary before final design and construction can proceed on the individual elements. It is expected that construction of some of the critical path facilities could take place as early as next year. A copy of the RFP outlining the specific deliverables of this effort is attached.

RECOMMENDATION

Staff recommends that Council authorize staff to proceed with the RFP and contract negotiations with the successful applicant for the Education Corridor Preliminary Infrastructure Design.

**Request for Proposals
For
CITY OF COEUR D'ALENE**

EDUCATION CORRIDOR PRELIMINARY INFRASTRUCTURE DESIGN

Introduction:

The City of Coeur d'Alene (the City) is seeking proposals from qualified firms or individuals to assist them in planning a public street and infrastructure network to serve the future Education Corridor.

This request for proposals seeks to identify firms or individuals that have the expertise and experience in transportation planning. Specific expertise in street networks is necessary. Experience in traffic analysis is essential. As some of the alternatives considered may require an evaluation of street and intersection geometry, design experience is also needed.

The study will encompass the area between the Spokane River and Northwest Blvd, between Mullan Rd and US-95.

Public involvement and stakeholder outreach for the project will be conducted by the consultant. This is likely to involve from three to six meetings over the course of the study.

The consultant's day to day interaction will be through City staff; however there will be some individual information gathering and input sessions with the various stakeholders groups

It is anticipated that the consultant will be asked to prepare presentation materials for the stakeholder meetings during the study period.

For further information regarding this Request for Proposal, please direct inquiries in writing to Chris Bates, Project Manager, City of Coeur d'Alene, 710 E Mullan Ave, Coeur d'Alene, Idaho 83815, and (208) 769-2228.

Proposal submission deadline: _____.

Anticipated Scope of Work:

1. Develop comprehensive transportation plan for corridor area
2. Evaluate and recommend potential reduction / elimination or additional accesses along Northwest Blvd, including Mullan Ave-Government Way, Garden Ave, River Ave, and Hubbard Ave

3. Determine corridors for pedestrian / bike facilities including the Centennial Trail and a Spokane River crossing
4. Review past studies
5. Collect traffic data
6. Intersection analysis for existing and proposed
7. Evaluate impacts to existing and future traffic flows from proposed street networks and land uses
8. Identify likely future land uses from stakeholders
9. Identify potential future utility needs, including fiber
10. Conduct stakeholder meetings to potentially include NIC, U of I, Lewis-Clark State College, LCDC, City, Fort Grounds homeowners, Business owners on Northwest Boulevard, ITD, BLM, and the Public.
11. Identify potential entry nodes.

In addition, the plan should seek to minimize traffic impacts on the existing residences.

Modifying the RFP:

The City reserves the right to modify this RFP at any time. In the event a modification is necessary, addenda will be provided to all prospective proposers that have obtained a copy of this RFP from the City. The City is not liable for non-disclosure of modifications to prospective proposers that may have obtained a copy of the RFP from a third party.

Proposal Requirements and Evaluation Procedures:

1. Proposals are limited to 20 single-sided pages.
2. Proposals will be evaluated based on the following equally-weighted criteria:
 - a. Consultant's familiarity with the study area and recommended approach to the project (25%).
 - b. Consultant's proposed detailed scope and schedule for the work (25%).
 - c. Experience, qualifications and availability of consultant's project manager and other key staff (25%).
 - d. Demonstration of successful completion of similar studies or projects, especially those involving multiple governmental jurisdictions (25%).
3. Three copies of the proposal shall be submitted.

City staff shall determine which proposal is most responsive in meeting the proposal requirements. The City reserves the right to award a contract, if any, to the proposer who, in the sole opinion of the City, best meets the requirements set forth in this RFP and is in the best interest of the City. The City does not discriminate based on race, color, sex, age, creed, or national origin.

If in the judgment of the City, proposals received are not responsive, responsible, timely, or are determined to exceed the funds available to conduct the established

scope of work. The City reserves the right to accept or reject elements of any and all proposals.

Proposed Timeline:

The City anticipates that the transportation plan will be completed by July or August of 2010, in time to allow collection of field data and design of a major connector roadway for construction in spring of 2011.

Deliverables:

The consultant will produce a detailed conceptual plan(s) showing road and right-of-way widths and alignments, existing lot / parcel boundaries, intersection layouts, utility corridors, multi use corridors, potential entry nodes, key intersection locations and layouts, any recommended phasing of improvements, and any special requirements for existing or proposed facilities. The City desires the plan(s) to be complete enough so that any specific facility could move directly into final design and construction.

The contractor(s) will supply the City with five (5) copies of draft working reports and final plans. The final plan and technical documentation shall also be provided to the City in a format mutually agreeable to both parties. Key individuals are expected to be available for the duration of the contract, and any substitutions in personnel must receive prior approval of the City. Failure to comply may result in cancellation of the contract at the sole discretion of the City.

Preparation Costs:

The City will not be liable for any costs associated with the preparation of a proposal submitted in response to this RFP.

Price Warrant and Independent Cost Determination:

The proposer warrants that any costs that may be described, quoted, or expected for services rendered in response to the RFP are not in excess of those charged any other client for the same services performed by the same individuals and will stay the same for 120 days. The proposer further warrants, as a part of the proposal, that any described cost data have been arrived at independently, without consultation, communications, or agreement with any other proposer or with any competitor for the purpose of restricting competition.

General Terms and Conditions:

The City reserves the right to incorporate standard contract provisions into any contract negotiated, if any, as a result of any proposals submitted in response to this RFP. Any contract resulting from this RFP will incorporate the general provisions as noted below.

Proposers must assure compliance with these general conditions, and if selected, provide the supplementary information necessary for inclusion in the contract.

1. Ownership of data, reports, materials, and property: Any survey, data, reports, equipment, or presentation materials prepared or purchased with funds from this project will become the exclusive property of the City. All report originals, presentation materials, and/or equipment must be provided to the City prior to final payment.
2. Statement of proposer's background and professional qualifications:
 - a. General information on the proposer and specific area(s) of expertise
 - b. Specific examples of work experience related to the tasks in the RFP
 - c. Names and qualifications of the individuals who will actually conduct the work specified in the RFP including the name of the project manager
3. Statement describing any potential conflicts of interest with the proposed project.
4. References, including current and former clients having similar work performed.
5. A detailed statement of how the proposer would proceed to accomplish the tasks and a timeline for completion of the expertise report(s).
6. All information on data gathering and computer modeling techniques that are expected to be used.
7. Desired method of payment. Payment is based on actual work completed.
8. General information:
 - a. Official name of entity submitting the proposal
 - b. Name and address of principal officer(s)
 - c. Telephone number of principal officer(s)
 - d. Location of facility where work will actually be performed
 - e. Minority or Women-owned Business Enterprise Certification Number
 - f. Information on any sub-contractors, which would be used as a part of the contract
 - g. Responsible engineer's DOL number.
9. Title VI Nondiscrimination - Equal Employment Opportunity.

PROPOSALS MUST BE DELIVERED IN A SEALED ENVELOPE to:

City of Coeur d'Alene
Engineering Department
710 E Mullan Ave
Coeur d'Alene, Idaho 83814

BY: 5:00 p.m. _____, 2010

All inquiries made regarding this RFP should be in written form. All questions and answers will be faxed, or e-mailed to registered recipients of the RFP. City's fax number is (208) 769-2284.

RESOLUTION NO. 10-008

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF COEUR D'ALENE FIRE DEPARTMENT DEPUTY CHIEFS.

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to execute a Memorandum of Understanding with the Fire Department Deputy Fire Chiefs, a copy of which is attached hereto as Exhibit "1" and by reference made a part hereof; and; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City execute a Memorandum of Understanding in substantially the form attached hereto as Exhibit "1" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said Memorandum of Understanding to the extent the substantive provisions of the Memorandum of Understanding remain intact.

BE IT FURTHER RESOLVED, that the Mayor be and is hereby authorized to execute such Memorandum of Understanding on behalf of the City.

DATED this 2nd day of March, 2010.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

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

ROLL CALL:

COUNCIL MEMBER GOODLANDER Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER HASSELL Voted _____

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER BRUNING Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

INFORMATION SECTION

Including

Correspondence

Board, Commission, Committee Minutes

February 22, 2010
PUBLIC WORKS COMMITTEE
MINUTES

COMMITTEE MEMBERS PRESENT

Council Member Woody McEvers
Council Member Deanna Goodlander
Council Member Deanna Goodlander

STAFF PRESENT

Gordon Dobler, Engineering Svcs Dir.
Amy Ferguson, Executive Assistant
Tim Martin, Street Supt.
Chris Bates, Project Manager
Jon Ingalls, Deputy City Administrator
Warren Wilson, Deputy City Attorney

GUESTS

Rob Wright, JUB Engineers
Kevin Schneidmiller, Greenstone-Kootenai

Item 1 Elimination of Bonding for Subdivision Improvements
No Motion - For Information Only

Gordon Dobler, Engineering Services Director, presented a request for council input regarding a modification to the subdivision ordinance which would eliminate the option of bonding for improvements prior to recordation of final plat and issuance of building permits. He had previously brought this item before the Public Works Committee at their last meeting and the committee requested that staff obtain additional public input and report back to the committee at their next meeting.

Mr. Dobler provided written input from Kevin Schneidmiller of Greenstone-Kootenai and Bluegrass Development, and said that staff had contacted everybody that they could. He further noted that Jon Ingalls and Councilman Goodlander attended the North Idaho Building Contractors Meeting (NIBCA) and received feedback from the builders. His impression from the meeting was that the builders didn't like the idea of eliminating bonding but he wasn't sure what their understanding was. He explained that right now, there are two focuses – the ability to bond so that a final plat can be recorded, and the issuance of building permits before the improvements are complete. The bonding for final plat is a bond for the cost of the improvements and allows the developer to finalize the plat and sell lots, which is pursuant to a 1996 policy that the council adopted. Staff is in the process of looking at the ordinance to see if the city should keep the bonding for final plat and if the city should issue any building permits before the improvements (paving and punch list items) are complete.

Councilman McEvers confirmed that currently a developer can bond for the improvements and the city can issue at their discretion up to 20% of the building permits before the improvements are completed and accepted and that problems have occurred in the past because allowing developers to bond for improvements prior to final plat has allow lot sales to builders that have no control over when the improvements will be installed.

Mr. Dobler said that he believes a better plan for developers and builders might be to leave the bonding in place for the final plat so that it can be recorded and the financing issues would be addressed. He does not think that many of the buildings have much problem with the elimination of the 20% building permit issuance so that no building permits could be issued before the improvements were installed and completed. Mr. Dobler explained that he will not issue a building permit for lots when he doesn't know when he can give them a Certificate of Occupancy. (C.O.)

Councilman Goodlander read a letter from a builder that she received that said the builder does not know one person that is in favor of the modification of the ordinance. She also said that she feels that the NIBCA also does not want the ordinance changed. In addition, she noted that both of the letters that Mr. Dobler provided appear to support continuing to have the bonding mechanism in place. She felt that what she heard is that people are happy with things the way they are.

Councilman McEvers asked if the modifications are all or nothing, or if there is a compromise. Mr. Dobler suggested that maybe the best fit would be to keep the bonding for the final plat and change the ordinance to reflect that improvements must be complete, rather than substantially complete, before building permits will be issued. He explained that the way the process is working now, they are not issuing any building permits until paving is in, or a week or two away from going in.

Councilman Goodlander stated that she feels she does not have adequate information and knowledge to make a decision. She needs more information and comments from people who actually use the services. Mr. Dobler responded that he was not looking for a decision at this time but, rather, just a discussion. Council would see any changes that are proposed after they go to the Planning Commission.

Councilman Goodlander said that she feels the ability to use the 20% building permits policy is an important part of the process and that is what she is hearing from the developers. Mr. Dobler said that he would consider dropping the issue regarding bonding but would still want the developer finish the streets before the builders are able to pull permits because it puts pressure on the developer to finish the streets because they know they have to finish that last 10% of their work.

Councilman McEvers remarked that Mr. Dobler seems to be trying to make the playing field level and he does a good job.

Councilman Goodlander said that she thinks that any revision to the subdivision ordinance would need to go to the public before it goes to the Planning Commission so that the public knows what is coming up. Mr. Dobler responded that typically the process they follow by code is they advertise it and make the proposed language available a month beforehand. Councilman Goodlander said that it is important that we hear from the public and the people that use our services. It would be valuable to have comments from the buildings before the proposed changes are taken to the Planning Commission.

Item 2 Declare Surplus Used Equipment
Consent Calendar

Tim Martin, Street Superintendent, presented a request for declaration of various pieces of used equipment and items as surplus and authorization to go to auction.

Councilman McEvers asked why a vehicle with 62,000 miles would be considered eligible to be classified as surplus. Mr. Martin explained that each department looks at their needs and the vehicle in question came out of the Water Department and has a lot of issues. 62,000 miles is a lot of miles for in-city driving.

* * * * *

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MOTION by McEvers, seconded by Goodlander, to recommend that Council approval of Resolution No. 10-006 declaring various pieces of used equipment and items as surplus and authorizing them to be taken to auction. Motion carried

The meeting adjourned at 4:39 p.m.

Respectfully submitted,

Amy C. Ferguson
Public Works Committee Liaison