

Coeur d'Alene

CITY COUNCIL MEETING

October 2, 2012

MEMBERS OF THE CITY COUNCIL:

Sandi Bloem, Mayor

Councilmen Edinger, Goodlander, McEvers, Kennedy, Gookin, Adams

CONSENT CALENDAR

A CONTINUED MEETING OF THE
COEUR D'ALENE CITY COUNCIL
HELD IN THE CITY HALL
FORMER COUNCIL CHAMBERS
ON SEPTEMBER 17, 2012 AT 12:00 NOON

The Coeur d'Alene City Council met in continued session for a workshop held at City Hall in the former Council Chambers on September 17, 2012 at 12:00 noon there being present a lack of quorum.

Sandi Bloem, Mayor

Mike Kennedy) Members of City Council Present
Steve Adams)
Dan Gookin)

Deanna Goodlander) Members of the City Council Absent
Woody McEvers)
Ron Edinger)

CITY STAFF PRESENT: Wendy Gabriel, Administrator; Susan Weathers, City Clerk; Renata McLeod, City Clerk Apprentice; Gordon Dobler, City Engineer, Kim Harrington, Engineering Tech, Troy Tymesen, Finance Director; Tim Martin, Street Superintendent, Warren Wilson, Deputy City Attorney; Jon Ingalls, Deputy City Administrator; and Mike Gridley, City Attorney.

CONSULTANT'S PRESENT: John Ghilarducci, FCS Group; Catherine Otten, FCS Group; and Steve Burgos, Brown & Caldwell Engineering

GUESTS: Susan Weeks, Attorney

WORKSHOP – STORMWATER RATE STUDY: Mike Gridley introduced and welcomed the FCS Consultant and Susan Weeks. Mr. Gridley stated his intent is to bring this item forward to the City Council at the second meeting in October.

Mr. Ghilarducci provided a PowerPoint presentation demonstrating the background research and analytical assumptions utilized to provide a stormwater rate recommendation for the City of Coeur d'Alene. Mr. Ghilarducci reiterated that the FCS Group was contracted by the City to perform a stormwater rate study to include identifying the level of stormwater service provided to properties in Coeur d'Alene and establishing an appropriate fee to equitably recover program costs within the parameters of the recent Idaho Supreme Court ruling in Lewiston Independent School District #1, et al v. City of Lewiston. Mr. Burgos presented an overview of the current regulatory environment and future stormwater requirements, as well as the impacts of those requirements. NPDES Permits are currently based on management practices; however, future permits are assumed to be regulated more like wastewater permits, including numeric limits. The City is expected to get a new permit within the next year, as the current permit expires on December 31, 2013. The new permit may include the requirement to retrofit the stormwater

pipes to a treatment facility and disconnect downtown outfalls from flowing directly into the lake. Mr. Ghilarducci stated that the EPA defines a stormwater system to include city streets and roads; as such, the study has determined them to be a part of the City's stormwater conveyance, and therefore not included in the proposed fees. The methodology behind the proposed stormwater rate recommendations includes a nexus between the charge and benefit to those receiving the service. Two service levels were discussed: Scenario One: "Recommended Service Level" includes a systematic maintenance/replacement of the existing system (this does include swale maintenance and reconstruction). Scenario Two: "Existing Service Level" includes a less replacement of the existing system (this does include swale maintenance, but less reconstruction). Mr. Ghilarducci provided examples of existing service accounts, under the recommended service level scenario to demonstrate the effect of the rates.

The FCS study recommended the City use impervious surface area, geographic location, connectivity, and on-site mitigation to determine actual service provided and resulting in chargeable area. Additionally, the recommendation of the Consultant (based on their professional education, training, and experience, analysis of all relevant Coeur d'Alene stormwater system data and all regulatory requirements, existing and reasonably foreseeable) is that the City re-implement a stormwater utility, and specifically recommended stormwater rates of \$5.12 (pipe) and \$5.24 (swale), subject to adjustment as appropriate.

DISCUSSION:

Councilman Kennedy requested clarification regarding any past costs included in the fee calculations. Mr. Ghilarducci clarified that most previous revenue was spent on operations with ad hoc replacements. Repayment of the interfund loan is included in the proposed rates. Mr. Dobler clarified that there has been a reduction in ESU's for commercial units and a reduction in revenue. Mr. Gridley clarified that this is a fee for service, so everyone would pay, including other government agencies such as the School District. Councilman Kennedy requested clarification as to why swale areas have a higher cost than piped areas. Mr. Dobler clarified that there are less units to spread the cost across in the swale areas.

Councilman Gookin asked for clarification as to whether or not general swale maintenance is included in the projected costs. Mr. Ingalls confirmed that maintenance costs were included. Mr. Wilson stated that commercial side of the rates would be dramatically different from residential. Councilman Kennedy asked how the City would measure a new development for rates. Mr. Dobler stated that impervious surface draining to the street could be measured through the building permit process. Councilman Gookin asked about the \$80,000 interfund loan repayment, how long it would take to pay off, and if there would be a rate reduction after repayment. Mr. Tymesen said it depends on how long it takes to get utility up and running; however, it is less than 10 years as proposed. Mr. Dobler stated that costs change often, but rates would only be changed during periodic updates, not annually.

Mr. Gridley stated that under the declaratory Judgment Act, the City would file for a Declaratory Judgment immediately after the ordinance is passed by the City Council. Ms. Weeks provided some information regarding the potential for the Supreme Court to hear the case.

The workshop ended at 1:34 p.m.

Sandi Bloem, Mayor

ATTEST:

Renata McLeod,
City Clerk Apprentice

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
SEPTEMBER 18, 2012**

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 on September 18, 2012 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Loren Ron Edinger) Members of Council Present
Mike Kennedy)
Steve Adams)
Dan Gookin)

Woody McEvers) Members of Council Absent
Deanna Goodlander)

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

INVOCATION: The Invocation was led Pastor Dick Hege, Coeur d'Alene Bible Church.

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

PRESENTATION – OUTSTANDING LEADERSHIP AWARD: Patrick Bloom representing the Community Action Center Northwest presented their organization's Outstanding Leadership Award for Mayor and Council's support of assuring accessibility for persons with disabilities in the City's public spaces to former Councilmembers Hassel and Bruning; current Councilmembers McEvers, Goodlander, Edinger, Kennedy, Mayor Bloem, and to the City Parks Department for their support of the accessibility on Tubbs Hill and public spaces.

PUBLIC COMMENTS:

DOYLES DISTRIBUTING: Kathy Hunt, 5352 Pine Hill Drive, voiced her concerns regarding Doyle's Distributors on Dalton Avenue and requested the Council readdress the noise decibel levels regarding this business. Deputy City Attorney Warren Wilson noted that the zoning in her neighborhood was established while it was in the county and when the area was annexed into the City the zoning remained basically the same. He noted that Doyle's has been operating within the parameters of the zoning law and even if the City changed the zoning requirements for industrial areas, this area would be grandfathered in with the current requirements. Councilman Adams commented that he will contact the Code Enforcement Officer and they will meet with Kathy to discuss possible solutions.

CONSENT CALENDAR: Motion by Kennedy seconded by Gookin to approve the remaining items on the Consent Calendar as presented.

DISCUSSION: Councilman Gookin asked for information regarding the request for a permit to operate a mobile orthodontic clinic on City streets. Deputy City Attorney Warren Wilson noted that there are currently regulations that apply to this type of request. Councilman Adams noted that the applicant is his dentist.

1. Approval of minutes for September 4, 10, 12, 2012.
2. Setting of General Services Committee and the Public Works Committee meetings for September 24th at 12:00 noon and 4:00 p.m. respectively.
3. Authorization for use of City Streets for mobile orthodontics clinic.
4. Approval of Bills as submitted and on file in the Office of the City Clerk.
5. Approval of beer license for Live the Lake at 509 Sherman Ave.
6. Approval of cemetery lot repurchase from Murray and Lois Bloomenfeld.
7. Approval of beer/wine license transfer for Zip Stop at 701 E. Sherman Ave.
8. Setting of Public Hearing – O-2-12 – Amendments to shoreline regulations for October 16, 2012.

ROLL CALL: Gookin, Aye; Kennedy, Aye; Edinger, Aye; Adams, Aye. Motion carried.

APPOINTMENT – PED/BIKE COMMITTEE: Motion by Edinger, seconded by Kennedy to appoint Devan Karsann to the Ped/Bike Committee as an alternate student representative. Motion carried.

ADMINISTRATOR’S REPORT: City Administrator Wendy Gabriel announced that the lower City Hall/Library parking lot will be temporarily closed for about 90 days starting after Labor Day. Visitors are being directed to use the upper lots (the two-hour Library lot and the current visitor spaces off of 8th Street in the small upper lot). Because the lower City Hall parking lot is closed, the city’s utility drop-off box has been relocated off of 8th Street in the upper visitor parking lot at City Hall. She noted that the City is approaching the 60% completion of the engineered design plan for McEuen Park that will be presented to the Council on October 4th at 7:30 a.m. in the Park Towers Conference Room. The City of Coeur d’Alene Building Services Department announced that there will be no building, mechanical, or plumbing inspections performed in the City of Coeur d’Alene jurisdiction on Tuesday, October 2, 2012 due to required staff training. Please call 769-2267 for more information. The city has been working with the Idaho Transportation Department and exploring the costs and benefits of the transfer of the ownership of Lake Coeur d’Alene Drive – old I-90, and previous to that old US-10 – to the City of Coeur d’Alene. A presentation and informational forum has been scheduled for October 8th, at 5:00 p.m., in the Library Community Room. Anyone interested is encouraged to attend. The 17th Annual Mayor’s Awards in the Arts will be held on Wednesday, October 10th, at 6:00 p.m., at the Hagadone Event Center. For more information, contact Steve Anthony at 769-2249. The Government Way project is nearly complete with final paving scheduled to be done on October 5th. The project is anticipated to be completed by the second week of October.

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

The meeting adjourned at 6:45 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk

RESOLUTION NO. 12.038

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 2012 - 2013 EMPLOYEE INSURANCE BENEFIT PLAN CHANGES AND RENEWAL RATES.

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 Exhibit "A" and by reference made a part hereof as summarized as follows:

- A) Approving the 2012 – 2013 Employee Insurance Benefit Plan changes and Renewal Rates;

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 Exhibit "A" 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 October, 2012.

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 GOODLANDER Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER ADAMS Voted _____

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

MEMORANDUM

DATE: September 24, 2012

TO: General Services Committee

FROM: Pam MacDonald
Human Resources Director

SUBJECT: Benefit Plan Changes and Renewal Rates

DECISION POINT:

City Council is requested to approve the following benefit plan changes and renewal rates effective October 1, 2012. The benefit plan contracts include, Group Health Options, Blue Cross of Idaho Dental, Willamette Dental, United Heritage Life Insurance; Long-term Disability and Magnuson, and McHugh & Company Flexible Spending Account.

HISTORY:

The Medical Review Committee's goal is to minimize rate increases and strategically address employee cost sharing for medical benefits. The Committee, per contract, consists of representatives from the Lake City Employee's Association, Fire Union, and Police Association, Non-represented and Exempt employees. They meet regularly throughout the year to understand market trends, review alternate medical and dental plans and consider changes.

FINANCIAL ANALYSIS:

The following changes are effective October 1, 2012 through September 30, 2013:

- The three Group Health Options plan premiums will have an overall increase of 5.27% with only Health Reform mandated changes related to women's services. The lower than trend increase is a direct result of the Committee's diligent work.
- Blue Cross Dental administration fee increase is 3.74% with services remaining the same. COBRA rates will remain the same.
- Willamette Dental decreased our premium by 5% with benefit coverage remaining the same.
- United Heritage Life insurance and long-term disability premium cost will remain the same.
- There are no changes to the City's Flexible Spending Account with Magnuson, McHugh & Company, P.A.

PERFORMANCE ANALYSIS:

Once the new plan document contracts and rates are updated, they will be forwarded to the City for signatures.

DECISION POINT/RECOMMENDATION:

City Council is requested to approve the benefit plan changes and renewal rates.

**CITY COUNCIL
STAFF REPORT**

DATE: October 2, 2012

TO: City Council Members

FROM: Pam MacDonald
Human Resources Director

SUBJECT: Benefit Plan Changes and Renewal Rates

DECISION POINT:

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 - United Heritage Life insurance and long-term disability premium cost will remain the same.
 - There are no changes to the City's Flexible Spending Account with Magnuson, McHugh & Company, P.A.

PERFORMANCE ANALYSIS:

Once the new plan document contracts and rates are updated, they will be forwarded to the City for signatures.

DECISION POINT/RECOMMENDATION:

City Council is requested to approve the benefit plan changes and renewal rates.

MEMORANDUM

DATE: SEPTEMBER 27, 2012
TO: MAYOR BLOEM AND THE CITY COUNCIL
FROM: RENATA MCLEOD, PROJECT COORDINATOR
RE: REQUEST FOR PUBLIC HEARING

I am requesting the City Council set a public hearing for the Council meeting scheduled December 18, 2012, to hear public testimony regarding the Community Development Block Grant (CDBG) 2013-2018 Consolidated Plan, for the HUD CDBG funds directly allocated to the City of Coeur d'Alene.

FINANCE DEPARTMENT
Staff Report

DATE: September 24, 2012
FROM: Troy Tymesen, Finance Director
SUBJECT: Idaho Bond Bank refinance of an existing wastewater bond

DECISION POINT:

To refinance and lower the interest rate on an existing wastewater bond that is currently with the Idaho Department of Environmental Quality (DEQ).

HISTORY:

The current bonds originated in 2007 and were used to improve processes and infrastructure at the treatment plant, the bonds totaled \$15,000,000 at 3.75% for 20 years. The payments are being made from revenue to the wastewater utility by rate payers, there are no property taxes supporting this enterprise fund.

The bond bank is a state level entity which lends money to local governments within the state, with the goal of providing funds for their infrastructure needs and access to the capital markets at competitive interest rates.

Under the Idaho Bond Bank program "IBBA", a municipality obtains a loan from the Bond Bank secured by a loan agreement with the Bond Bank. The Bond Bank pools several loans to municipalities into one bond issue. The municipalities then repay the loan, and those repayments are used to repay the revenue bonds. The Bond Bank can obtain better credit ratings, more attractive interest rates, and lower underwriting costs than municipalities could achieve individually. The Bond Bank is able to pledge certain state funds as additional security for its bonds, further reducing interest costs.

FINANCIAL ANALYSIS:

The wastewater utility in 2001 received judicial confirmation to make upgrades to the treatment plant in aggregate to \$28,000,000.00. The first bonds were issued in 2007 for \$15,000,000.00 and acquired by DEQ. Interest rates have decreased since that time and with the partnership of the Idaho Bond Bank, rated AA1, the wastewater utility will lower its interest cost. It is anticipated that the bond interest rate will be in the 2.72% range which would save the utility and its rate payer \$1,125,513 over the remaining term.

PERFORMANCE ANALYSIS:

The Idaho Bond Bank is allowing this refinance so that the DEQ loan dollars can be redirected back to the agency which will increase funding for public infrastructure projects in the state.

DECISION POINT/RECOMMENDATION:

To refinance and lower the interest rate on a wastewater bond that is currently with the Idaho Department of Environmental Quality (DEQ).

ANNOUNCEMENTS

Memo to Council

DATE: September 19, 2012

RE: Appointments to Boards/Commissions/Committees

The following re-appointment is presented for your consideration for the October 2nd Council Meeting:

JUNE McCLAIN

NATURAL OPEN SPACE COMMITTEE

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

Sincerely,

Amy Ferguson
Executive Assistant

cc: Susan Weathers, Municipal Services Director
Doug Eastwood, NOSC Liaison

OTHER COMMITTEE MINUTES
(Requiring Council Action)

September 24, 2012
**GENERAL SERVICES COMMITTEE
MINUTES**

COMMITTEE MEMBERS PRESENT

Mike Kennedy, Chairperson
Ron Edinger
Steve Adams

STAFF PRESENT

Troy Tymesen, Finance Director
Warren Wilson, Chief Civil Deputy City Attorney
Juanita Knight, Senior Legal Assistant

CITIZENS PRESENT

None

**Item 1. Plan Changes and Renewal Rates / Insurance Benefits.
(Consent Resolution 12-038)**

Troy Tymesen is requesting Council approve the benefit plan changes and renewal rates effective October 1, 2012. The benefit plan contracts include Group Health Options, Blue Cross of Idaho Dental, Willamette Dental, United Heritage Life Insurance; Long-term Disability, and Magnuson, McHugh & Company Flexible Spending Account. Mr. Tymesen explained that The Medical Review Committee's goal is to minimize rate increases and strategically address employee cost sharing for medical benefits. The Committee, per contract, consists of representatives from the Lake City Employee's Association, Fire Union, and Police Association, Non-represented and Exempt employees. They meet regularly throughout the year to understand market trends, review alternate medical and dental plans and consider changes.

As noted in the staff report, the following changes are effective October 1, 2012 through September 30, 2013:

- The three Group Health Options plan premiums will have an overall increase of 5.27% with only Health Reform mandated changes related to women's services. The lower than trend increase is a direct result of the Committee's diligent work.
- Blue Cross Dental administration fee increase is 3.74% with services remaining the same. COBRA rates will remain the same.
- Willamette Dental decreased our premium by 5% with benefit coverage remaining the same.
- United Heritage Life insurance and long-term disability premium cost will remain the same.
- There are no changes to the City's Flexible Spending Account with Magnuson, McHugh & Company, P.A.

Mr. Tymesen said the renewal rates are in the current financial plan and the new plan documents and rates will be forwarded to the City Council for approval.

Councilman Adams inquired why the documents are just now coming forward instead of when the financial plan was approved. Mr. Tymesen said it is a challenge to get all the groups to come forward with figures at the same time. Negotiations do tend to continue right up to the new fiscal year.

Councilman Adams inquired if the 5.27% increase to Group Health Options is due to claims or administrative increases. Mr. Tymesen said it he would suggest it's a little of both. They look at the ongoing claims as to the premiums received. They had been trending toward 96-97%. That is better than if it was 110 % of premiums received. He believes there are some changes to the services related to women services that was factored in plus the cost of pharmaceutical.

Councilman Edinger asked what specific changes related to women's services. Mr. Tymesen said he does not know specifically. It could be some of the medical mandates coming down. Mr. Tymesen said he will get that information for the Council.

MOTION: by Councilman Edinger seconded by Councilman Adams that Council adopt Resolution No. 12-038 approving the benefit plan changes and renewal rates as presented.

Item 2. Council Bill No. 12-1017 / Library Parking Lot Definition.
(Agenda)

Warren Wilson is requesting Council adopt Council Bill No. 12-1017 amending Section 4.05.030 entitled Parks and Public Property – Definition to add the legal description for the Library parking lot. Mr. Wilson noted that on May 15, 2012 the City council adopted an ordinance limiting the parking on the upper city library parking lot to 2 hours. The proposed is a housekeeping ordinance that will add a legal description of the Library parking lot to the definition of public property. Mr. Wilson went on to explain that M.C. Section 4.05.030 contains the definition of the public property owned by the City, including parking lots. The City recently adopted regulations for the Library lot. Adopting a definition of the library parking lot will help avoid confusion about what the parking lot is.

Councilman Kennedy noted that he asked Bette Ammon, Library Director, how the parking are regulations are working. He said she responded that it is working quite well.

MOTION: by Councilman Adams seconded by Councilman Edinger that Council adopt Council Bill no. 12-1017 amending Section 4.05.030 entitled *Parks and Public Property – Definitions* to add the legal description for the Library parking lot.

Item 3. Idaho Bond Bank / Refinance of Existing Wastewater Bond.
(Consent Calendar)

Troy Tymesen is requesting Council approval to refinance and lower the interest rate on an existing wastewater bond that is currently with the Idaho Department of Environmental Quality (DEQ). Mr. Tymesen noted in his staff report that the current bonds originated in 2007 and were used to improve processes and infrastructure at the treatment plant, the bonds totaled \$15,000,000 at 3.75% for 20 years. The payments are being made from revenue to the wastewater utility by rate payers, there are no property taxes supporting this enterprise fund.

The bond bank is a state level entity which lends money to local governments within the state, with the goal of providing funds for their infrastructure needs and access to the capital markets at competitive interest rates.

Under the Idaho Bond Bank program "IBBA", a municipality obtains a loan from the Bond Bank secured by a loan agreement with the Bond Bank. The Bond Bank pools several loans to municipalities into one bond issue. The municipalities then repay the loan, and those repayments are used to repay the revenue bonds. The Bond Bank can obtain better credit ratings, more attractive interest rates, and lower underwriting costs than municipalities could achieve individually. The Bond Bank is able to pledge certain state funds as additional security for its bonds, further reducing interest costs.

The wastewater utility in 2001 received judicial confirmation to make upgrades to the treatment plant in aggregate to \$28,000,000.00. The first bonds were issued in 2007 for \$15,000,000.00 and acquired by DEQ. Interest rates have decreased since that time and with the partnership of the Idaho Bond Bank, rated AA1, the

wastewater utility will lower its interest cost. It is anticipated that the bond interest rate will be in the 2.72% range which would save the utility and its rate payer \$1,125,513 over the remaining term.

The Idaho Bond Bank is allowing this refinance so that the DEQ loan dollars can be redirected back to the agency which will increase funding for public infrastructure projects in the state.

Councilman Kennedy asked who charters the Idaho Bond Bank program and what are the costs to refinance. Mr. Tymesen said the State Treasurers Office and it will be approximately \$20,000 that will go to legal work to redo the bonds and payoff the other bonds. The City will share in the underwriting cost which is the folks that will take this to the market on behalf of the state of Idaho. And it will depend also on how many people will participate in the bond bank issuance.

Councilman Edinger asked if this means any savings to the rate payers. Mr. Tymesen said there will be a \$1.1 million savings that the utility will use into the next phases that need to be done. He said they may be able to forestall future increases to the rate due to the savings.

MOTION: by Councilman Adams seconded by Councilman Edinger that Council authorize staff to refinance and lower the interest rate on a wastewater bond that is currently with the Idaho Department of Environmental Quality (DEQ).

The meeting adjourned at 12:30 p.m.

Respectfully submitted,

Juanita Knight
Recording Secretary

**CITY COUNCIL
STAFF REPORT**

DATE: *October 2, 2012*

FROM: *Legal Department*

SUBJECT: *Ordinance Amendment – Adding definition of Library parking lot*

DECISION POINT:

Council is requested to adopt Council Bill No. 12-1017 amending Section 4.05.030 entitled *Parks and Public Property – Definitions* to add the legal description for the Library parking lot.

HISTORY:

On May 15, 2012 the City Council adopted an Ordinance limiting the parking on the upper City Library parking lot to 2 hours. The proposed is a housekeeping Ordinance that will add a legal description of the Library parking lot to the definition of public property.

FINANCIAL ANALYSIS:

The cost of codification is minimal.

PERFORMANCE ANALYSIS:

M.C. Section 4.05.030 contains the definitions of the public property owned by the City, including parking lots. Title 4 also contains the parking regulations for the various city parking lots. The city recently adopted regulations for the library lot. Adopting a definition of the library parking lot will help avoid confusion about what the parking lot is.

DECISION POINT/RECOMMENDATION:

Council is requested to adopt Council Bill No. 12-1017 amending Section 4.05.030 entitled *Parks and Public Property – Definitions* to add the legal description for the Library parking lot.

ORDINANCE NO. _____
COUNCIL BILL NO. 12-1017

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 4.05.030 ADDING DEFINITION OF THE LIBRARY PARKING LOT; 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 4.05.030(A) is hereby amended to include the following definition:*

4.05.030: DEFINITIONS:

A. Public Property: Whenever in this title, or in this municipal code generally, areas of public property are described by the following terms, such terms refer to the areas of property described below:

[LIBRARY PARKING LOT: An approximate 1 acre parking lot adjacent to the Coeur d'Alene Public Library at the southwest corner of Front Avenue and Eighth Street. \(All or portions of Lots 1 through 12, Block 38, Coeur d'Alene and Kings Addition, Kootenai County, ID\).](#)

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 2nd day of October, 2012.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Amending Title 4 - Parks and Public Property, Section 4.05.030 - Definitions

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 4.05.030 ADDING DEFINITION OF THE LIBRARY PARKING LOT; 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 Title 4 - Parks and Public Property, Section 4.05.030 - Definitions, 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 2nd day of October, 2012.

Warren J. Wilson, Chief Deputy City Attorney

OTHER BUSINESS

RESOLUTION NO. 12-039

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AMENDMENT NO. 3 TO THE CONTRACT WITH THE LAKE CITY EMPLOYEES ASSOCIATION.

WHEREAS, representatives of the City of Coeur d'Alene, and representatives of the Lake City Employees Association have negotiated an amendment to the Contract between the City of Coeur d'Alene and the Lake City Employees Association; and

WHEREAS, the Mayor and City Council deem it to be in the best interests of the City of Coeur d'Alene to approve such amendment to the Contract; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into the Contract Amendment between the City of Coeur d'Alene and the Lake City Employees Association, a copy of which is marked Exhibit "1" attached hereto and by reference made a part hereof.

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

DATED this 2nd day of October, 2012.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

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

ROLL CALL:

- Council Member Adams Voted _____
- Council Member Kennedy Voted _____
- Council Member Goodlander Voted _____
- Council Member Gookin Voted _____
- Council Member Edinger Voted _____
- Council Member McEvers Voted _____

_____ was absent. Motion _____.

LCEA
CONTRACT AMENDMENT No. 3

This CONTRACT AMENDMENT is made and entered into this 2nd day of October, 2012 between the CITY OF COEUR D'ALENE, hereafter referred to as "City" and the LAKE CITY EMPLOYEE ASSOCIATION, hereafter referred to as "LCEA", collectively referred to as the "Parties".

Whereas, the state of the economy has presented a challenge in balancing the City budget for fiscal year (FY) 2012-2013;

Whereas, the City has again reduced expenses for FY 2012-2013 by, among other reductions, reducing travel and training line items, reducing overall operation and supplies costs, maintaining a hiring freeze on certain vacant positions, reducing capital expenditures, and offering separation incentives;

Whereas, the City has requested that all employees of the City who are entitled to a cost of living increase on October 1, 2012 forego the increase and accept a zero per cent (0%) cost of living increase;

Whereas, the City has agreed that it will not layoff employees during FY 2012-2013 for budget reasons if all employees agree to forego their FY 2012-2013 cost of living increase and accept a zero per cent (0%) cost of living increase for FY 2012-2013;

Whereas, if all employees do not agree to accept the zero per cent (0%) cost of living increase, the City will have to explore layoffs in order to balance the FY 2012-2013 budget.

Whereas, the Department Heads and the City Council have agreed to accept the zero per cent (0%) cost of living increase;

Now therefore, the Parties agree to amend the contract between the City and LCEA commencing October 1, 2008 (Resolution 08-052), as amended on July 7, 2009 (Resolution No. 09-028) and November 16, 2010 (Resolution 10-043) as follows:

CONTRACT EXTENSION

The Parties agree to a three (3) year contract extension to include fiscal year 2014-2015, FY 2015-2016 and FY 2016-2017.

ARTICLE XVII – WAGES, SECTION 3

Cost of Living Adjustment (COLA) for LCEA members for FY 2012-2013 only will be zero per cent (0%). As consideration for this concession, the City agrees not to layoff LCEA members during FY 2012-2013.

PERSONNEL REDUCTION

The City agrees not to layoff any employees represented by LCEA in FY 2012-2013 for budget reasons.

RENEGOTIATION

Currently, Article XV - Insurance Coverage states that if insurance premium increase quotes from the insurance companies are greater than 7.5% over the previous year, such increase will trigger certain increases and/or adjustments and the activation of the Medical Insurance Review Committee. Notwithstanding this language in the original contract, the parties agree to an “opener” in fiscal years 2015-2016 for review and adjustment regardless of the amount of the insurance premium quotes over the previous year. The negotiated trigger agreed to for 2015-2016 will also apply in year 2016-17.

NO FURTHER MODIFICATION

Except for the contract amendments contained herein, the parties agree that the current contract between the parties, and previous contract amendments, remain in full force and effect and that this amendment to the contract between the parties does not amend or alter any other right or obligation of either party under the contract.

Dated this 2nd day of October, 2012.

CITY OF COEUR D’ALENE:

LAKE CITY EMPLOYEES ASSOCIATION:

Sandi Bloem, Mayor

Keith Clemens, President

ATTEST:

Susan Weathers, City Clerk

Gary Nolan, Vice President

**COEUR D'ALENE CITY COUNCIL
FINDINGS AND ORDER**

A. INTRODUCTION

This matter came before the City on, August 7, 2012, for a hearing on A-4-12 (request for Zoning in conjunction with annexation from County High Density Residential to City R-5 (Residential at 5 units/acre) zoning district).

APPLICANT: SCOTT STEPHENS

LOCATION: +/- .234 ACRE PARCEL LOCATED AT 1354 SILVER BEACH ROAD

B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

B1. That the existing land uses are residential-single family and multi-family, commercial, commercial recreation and civic.

B2. That the Comprehensive Plan Map designation is Transition.

B3. That the zoning is County High Density Residential

B4. That the notice of public hearing was published on May 26, 2012, which fulfills the proper legal requirement.

B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.

B6. That 6 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on July 20, 2012.

B7. That public testimony was heard on August 7, 2012 including:

Tami Stroud, City Planner.

Ms. Stroud presented the staff report and outlined the comprehensive plan designation for the property and reviewed the findings necessary for approval. She noted that applicant is seeking annexation of his existing single family residence. There is currently no public sewer and water in

the area but will be extended to the area in the future. The applicant will need to connect in the future at a potentially significant cost.

She gave the staff analyses for land use, neighborhood characteristics, utilities, streets, and fire service. She reported that on June 12, 2012 the Planning Commission reviewed the proposed zoning for this property and recommends approval with the following provisions: "The approval of this annexation will require the need to provide public sewer force main from the east side of the Terraces to the subject property and obligate the applicant to the money necessary to upgrade Hagadone's private lift station to be a public lift station (as found in the Resort Golf Course annexation agreement)." Mrs. Stroud reported that on July 20, 2012 six notices of tonight's public hearing were mailed to all property owners of record within three-hundred feet of the subject property.

Scott Stephens, 1351 Silver Beach Road.

Mr. Stephens, applicant, explained why he wanted to be annexed and how his house and properties were built without full approval of the County. He explained that the reason for the requested annexation and zoning is to have a legal dwelling and associated structures.

Brenda Burke, 2600 E. Seltice Way, Post Falls.

Ms. Burke testified on behalf of the applicant that the owner of the property is seeking to annex his single family residence to bring it into compliance. The property does not meet the County's setback requirements and the only way to resolve that issue, without removing structures, is to annex the property. She noted that the existing buildings do meet the City's setback requirements and the property is more consistent with city development than county development

B8. That this proposal is in conformance with the Comprehensive Plan policies.

We find that the R-5 zone recommended by the Planning Commission is in conformance with the Comprehensive Plan as follows:

The comprehensive plan designates this property as part of the SE Hillside area. The SE Hillside area typically anticipates relatively low overall density (1 unit per 10 acres). However, for any given development higher levels of density are appropriate where access is gained without significant disturbance, the terrain is relatively flat, and natural landforms permit development, and the development will not significantly impact views and vistas. Additionally, clustering of smaller lots to preserve large connected open spaces, view and vistas is encouraged. In this instance, the subject property is an existing single family residence that is clustered with another existing residence that is surrounded by an existing PUD that was adopted, in part, to protect

views and vistas. The site is accessed without any additional disturbance and is relatively flat. As such, we find that the requested R-5 zoning (prior to annexation) is consistent with the comprehensive plan.

B9. That public facilities and utilities are available and adequate for the proposed use.

Based on the staff report and testimony at the hearing, public water and sewer are not available at the property at this time but will be extended in the future. These utilities will be extended to the area with the development of the Silver Beach site by Hagadone Hospitality as part of an approved PUD. Until that time, the property will continue to be served by a private septic system and well. We find that because the utilities can be extended to the property, that this finding is met.

B10. That the physical characteristics of the site make it suitable for the request at this time because:

Based on the staff report, the topography is relatively flat and does not limit use or development of the property. As such, we find that the physical characteristics do make it suitable for the requested zoning.

B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character or existing land uses.

Based on the staff report and the testimony at hearing, we find that the proposed zoning will not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character or existing land uses because the property is already fully developed with an existing single family residence. The proposal would not change this nature of this use other than annexing it into the City.

D. ORDINANCES AND STANDARDS USED IN EVALUATION

Comprehensive Plan - 2007.

Transportation Plan.

Municipal Code.

Idaho Code.

Wastewater Treatment Facility Plan.

Water and Sewer Service Policies.

Urban Forestry Standards.

Transportation and Traffic Engineering Handbook, I.T.E.

Manual on Uniform Traffic Control Devices.

Coeur d'Alene Bikeways Plan.

CONCLUSION AND DECISION

The City Council, pursuant to the aforementioned, finds that the initial zoning upon annexation for the subject property and annexation of the property should be approved and will be zoned Residential at 5 units/acre (R-5).

Motion by _____, seconded by _____, to adopt the foregoing Findings and Order.

ROLL CALL:

Council Member Gookin	Voted _____
Council Member Edinger	Voted _____
Council Member Goodlander	Voted _____
Council Member McEvers	Voted _____
Council Member Adams	Voted _____
Council Member Kennedy	Voted _____

Mayor Bloem Voted _____ (tie breaker)

Council Member(s) _____ were absent.

Motion to _____ carried by a _____ to _____ vote.

MAYOR SANDI BLOEM

CITY COUNCIL STAFF REPORT

DATE: October 2, 2012

FROM: David E. Shults, Capital Program Manager *DES*

SUBJECT: Prequalification Process for Contractors for WWTP Phase 5C.1

DECISION POINTS:

Council approval is requested for advertising for the contractor prequalification process for Phase 5C.1.

HISTORY:

HDR Engineering is underway with engineering services to provide design and procurement assistance for construction and equipment prepurchase for Phase 5C.1 improvements at the wastewater treatment plant. The project improvements will include a new building and facilities to provide the first planned phase of tertiary phosphorus control and enhanced ammonia control. Recent major wastewater treatment plant upgrade projects in Coeur d'Alene have included a general contractor prequalification requirement to assure that only experienced and qualified contractors provide competitive bids. Planning for Phase 5C.1 anticipates similar prequalification of bidders. The advertisement and specifications for the process are available, and the project schedule requires the process to begin in October 2012. The planned bid opening is in February 2013. The City Council recently approved the City's Financial Plan for FY 2012-13, which includes funding for the second year of the three year project.

FINANCIAL ANALYSIS:

WWTP Phase 5C.1

Planning and Design Engineering	973,555
Building Permit	50,000
Construction Engineering and Inspection	1,060,445
Prepurchase Tertiary Filtration Equipment	1,600,000
Construction Contractor	6,400,000
Contingency 5%	<u>504,200</u>
Total	\$10,588,200

Funding The city's current financial plan for FY 2011/12 authorizes expenditure of \$3,400,000 for ammonia control improvement. Additional spending authority of \$7,000,000 for this multi-year project is approved in the financial plan for FY 2012/13. A rate study is underway that anticipates a need for a rate increase to assist with completing the project.

DISCUSSION:

The prequalification process is according to Idaho code and is believed to assure that the bidders are well-qualified to perform the construction and start-up of facilities that are unique to treatment plant upgrades. HDR and City staff developed the process used by the City for two previous projects, and resulted in contract award to qualified contractors. Design is nearly complete for the project. Authorization for the next step of contractor prequalification would advance the project to the next step for requesting bids from qualified contractors in December 2012.

DECISION POINT/RECOMMENDATION:

Council approval is requested for advertising for the contractor prequalification process for Phase 5C.1.

des1483

PUBLIC HEARINGS

PUBLIC WORKS COMMITTEE STAFF REPORT

DATE: October 2, 2012
FROM: Christopher H. Bates, Engineering Project Manager 
SUBJECT: **V-12-3, Vacation of Portions of Right-of-Way in the Merriam Park Addition & the Relinquishment of a Remainder Portion of College Drive, and, Carlin Avenue/aka Garden Avenue, to North Idaho College**

DECISION POINT

The City of Coeur d'Alene Engineering Department is requesting the vacation of the remaining portions of "Government Road" in the Merriam Park Addition (plat attached) adjoining the southerly boundary of Tracts "A & I", and, the relinquishment of the remaining portions of Carlin Avenue aka Garden Avenue, and College Drive (map attached). The portions of the relinquished streets would subsequently be quit claimed to North Idaho College.

HISTORY

The Kootenai County Assessor's office contacted North Idaho College concerning a few portions of streets and old rights-of-way, that still remained under City ownership, and the College Facilities Office contacted the City in hopes of bringing the matter to final closure.

The Merriam Park Addition subdivision consisting of ten (10) "Tracts" (A-J), with Tract "J" being a private road (Carlin Avenue), and two (2) "Government Roads" adjoining the southerly and westerly boundaries, was originally platted November 1905.

The "Government Road" that adjoins the southerly boundary of Tract "I" contains a portion of the parking lot for the Schuler Performing Arts Center, and a small +/- 60'x60' portion of College drive. The portion of what is now known as Garden Avenue, was originally Carlin Avenue, a private street given to the owners of the "tracts" within the Merriam Park subdivision. That roadway was subsequently purchased and dedicated to the City in November 1956 by the Spokane International Railroad Company. The remaining portion of College Drive was originally a piece of Tract "I" that was dedicated by the North Idaho Junior College to the City in March 1957.

Over the years there have been a number of right-of-way vacations in the College proper:

- 1960: Ordinance # 1113 vacated portions of Government Road along the westerly boundary of Merriam Park.
- 1968: Ordinance # 1229 vacated portions of Tract "I", and, Government Road along the southerly boundary of Tract "I" of Merriam Park.
- 1976: Ordinance # 1461 vacated a portion of Government Road/Empire Avenue east from College Drive.
- 1984: Ordinance # 1859 vacated a portion of Empire Avenue in Gwinn's Park Addition.
- 2003: Ordinance # 3138 vacated a portion of right-of-way adjoining Lot 19, FSAMR, and Merriam Park Addition.
- 2012: Ordinance # 3440 vacated portions of right-of-way lying north of River

Avenue in the Taylor's Park Addition. Also, in conjunction with Ordinance # 3440 that vacated the r/w's to the north of River Avenue, the City quit claimed the portion of College Drive that was dedicated in 1957 by the "Deed of Dedication" from the North Idaho Junior College.

Due to the generous use of the street name Garden Avenue, which at times also referred to the "Government Road" south of Tract "I", there remained a small portion of College Drive that was not included in the previous relinquishment to NIC. That portion would be dealt with in this request.

FINANCIAL ANALYSIS

There is no negative financial impact to the City. There are no tax issues on any of the property, and, the portions that remain as roadways would be all maintained by the College, therefore those costs do not figure in to City departmental budgets.

PERFORMANCE ANALYSIS

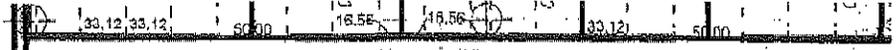
This vacation, and relinquishment of the portions that were deeded for streets, will relieve the City of all responsibility over the roads on the NIC campus for any construction, maintenance, and, enforcement issues. All existing City utilities that are located in the requested areas, would be protected by restrictive easements that provide for access, use, maintenance, and, replacement if necessary. These easements would be a component of any vacation ordinance or quit claim deed to NIC.

As with the previous vacation of r/w, and, quit claiming of the previous portion of College Drive, this allows NIC the ability to request and obtain State funding through the State Department of Public Works (DPW) to maintain their internal streets, whereas if they are City owned, they cannot.

This request was presented to the City Public Works Committee at the regularly scheduled meeting on August 27, 2012 and unanimously approved.

RECOMMENDATION

Recommendation to the City Council would be, for the approval of the requested vacation as outlined in Idaho Code Section 50-1306 to the adjoiner North Idaho College, and, to approve the relinquishment by Quit Claim Deed, the remaining portion of College Drive, and the roadway once dedicated as Carlin Avenue and now known as Garden Avenue, back to North Idaho College.



RIVER DR

RIVER AVE

19

20

21

22

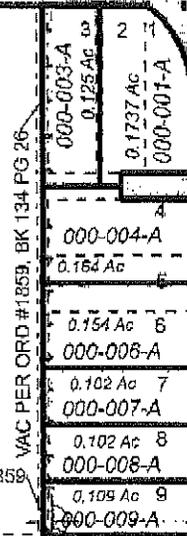
23

24

25

Ft. Sherman A.M.R.
(C-3735)

000-019-A
7.1262 Ac



GWINN'S PARK (C-4455)

Merriam Park (C-6075)

000-00B-A
5.9494 Ac

000-00A-A
0.196 Ac

Quit Claim Deed To NIC

GARDEN AVE

Portion of Government Rd to be Vacated

VAC PER ORD #1229, BK 53 PG 364

pt C-3735-000-046-A

North Idaho College

46

46

pt C-3735-000-046-A
30.2079 Ac

PT
#15738

HUBBARD AVE (Private)

14
16.131 Ac
000-014-0

WOC

0.2
000

000
0.

0.086 Ac
000-01

000.
0.;

000.
0.;

000.

VAC PER ORD #1113, BK 36 PG 590

VAC ORD #3188, Inst #1828072

COLLEGE DR

Pin of Govt Rd to be Vacated

HUBBARD ST

VAC PER ORD #1481, BK 84 PG 221

VAC PER ORD #1859, BK 134 PG 26

VACATED #1859