

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
July 7, 2009**

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 July 7, 2009 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

INVOCATION was led by Pastor Carl Cook, Candlelight Church.

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

PRESENTATIONS:

PROCLAMATION – “PARKS DAY CELEBRATION”: On behalf of Mayor Bloem, Councilman Bruning read the Mayor’s proclamation designating July 11th as “Parks Celebration Day” in the City. Bob Hallock accepted the proclamation and distributed posters of the Parks Day Celebration. He noted that this year’s celebration will be at Cherry Park and Shaddock Park and Canfield Mountain Trails. Katie Kosanke, Parks Department presented an overview of the activities of the Parks Day Celebration. She noted that the Parks Foundation is coordinating this year’s celebration.

PRESENTATION – CITY GIS: Debbie Frisbie, GIS Coordinator, provided an overview of the Geographic Information System now available on the City’s web site for public use.

PUBLIC COMMENTS:

HAROLD HOCKER’S COMMENTS: Harold Hocker, 1413 E. Spokane Avenue, referenced a recent newspaper article in which a local bank wants to hold 6-8 parcels of LCDC owned property as collateral for the 4th Street project and warned the Council this is just the beginning of LCDC digging the hole deeper for the City. He also believes that this is why the City’s budget is going to have problems. He sees this as the beginning of another Great Depression where the first Great Depression lasted from 1929 through the end of World War II. He believes that the Council

should do the right thing and cancel LCDC. He also believes that Impact Fees for Schools which was voted down by the State legislature was done to keep the big bucks in the developers' pockets. He also commented that the Council does not realize that they work for the citizens and the citizens don't work for them.

4TH STREET PROJECT: Dennis Spencer, W. 22102 Cannon Hill Lane, PR Director for the 4th Street Project, complimented the City's engineering staff and believes that they do an outstanding job. The Street Department has also done an excellent job by keeping the alleyways passable during the construction process. The Water Department made sure that the businesses had uninterrupted water service. Overall, he believes that the people who are working for the City do an excellent job. He also encouraged residents to please visit those businesses along 4th Street during this reconstruction process. Councilman Kennedy complimented Mr. Spencer for his great work keeping everyone informed.

NEIDER/HOWARD EXPANSION BID: Kevin Stevens, 6631 N. 16th, representing SAFCO, commented that the Cameron-Reilly company that won the water line bid at the Fairgrounds a few years ago was required to employ 95% bona fide Idaho residents which they did not. Again this year, Cameron-Reilly is the low bidder for the Neider/Howard Avenue contract and he wants the City to assure that this company from Washington State shall abide by Idaho laws and employ 95% Idaho residents.

HUD FUNDING ADMINISTRATION CONTRACT SERVICES: Jim Brannon, 1310 Bering Cd'A, complimented the Fire and Police Department for the great job they did during the past several weekends. In regard to the contract with PAC for administering the HUD Funding, he believes that the City has backdated the contract.

4TH STREET PROJECT: Bob Edwards, N. 4th Street, who operates Discount Foods, noted that he had signed a short term lease for a building on 4th Street. He complained about the 4th street reconstruction project in that he was promised that one lane would always be open along 4th Street. He did commend Dennis Spencer, but asked the City to stop making changes to the construction plans as it delays the completion date. He requested that Dennis Grant send a letter to his landlord to give him relief for his rent during the construction time. Councilman Goodlander asked the residents to support these businesses during the construction period.

Kevin Stevens, 4th Street Project contractor, in regard to having one lane open at all times on 4th Street, noted that the original agreement states that one lane would be opened when major events are planned but believes that the area residents thought that meant all the time. He also noted that with the re-alignment of the sewer lines it is not safe to have one lane open at all times. In response to the comment that project changes are causing delays in the project he noted that these changes have not delayed the overall project but rather the overall project is on time and in some cases ahead of schedule. He noted that once the major portion of the roadway and curbs are done, then one lane will be opened up. He noted that the concrete bands at the

intersections will need to be done one intersection at a time in order to keep the other intersections open due to the time needed to let the pavers set before traffic can travel over them.

City Engineer Gordon Dobler also responded that the placement of the pavers has slowed the process a little bit since the intersections need to be done one at a time instead of all at once since no traffic can travel over these pavers for 5 days. He also clarified that the plans have not changed but the installation strategy has. He did note that LCDC did want to add conduit for lighting which set the completion time line back about one week and that the area businesses were notified of this change during one of the meetings at Midtown.

Councilman Edinger asked about having one lane open at all times and that he believed that the original deadline was in August. Mr. Dobler responded that it was originally hoped that the bid would have gone out in May but it took longer for the specifications to be drawn up so the contract did not go out until the first part of June and thus the deadline has always been in October.

CONSENT CALENDAR: Motion by Edinger, seconded by Hassell to approve the Consent Calendar as presented. Councilman Goodlander and Bruning declared a conflict of interest for some items on the Consent Resolution.

1. Approval of minutes for June 16, 2009.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, July 13th at Noon and 4:00 p.m. respectively.
3. RESOLUTION 09-025: 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 A LEASE AGREEMENT WITH ST. VINCENT DEPAUL FOR CITY BUILDING AT 201 HARRISON; ACCEPTANCE OF KOOTENAI COUNTY EMERGENCY OPERATIONS PLAN; DECLARATION OF SURPLUS PROPERTY FOR FIRE STATION NO. 1; AWARD OF BIDS FOR 4TH STREET BIKE RACKS TO TEAM YOUNGSTONE, ALAN DODGE AND TYREE KEARNS; AWARD OF CONTRACT-CDBG GRANT ADMINISTRATIVE SERVICES TO PANHANDLE AREA COUNCIL; AWARD OF BID – NEIDER AVENUE IMPROVEMENT PROJECT; DECLARATION OF SURPLUS PROPERTY FOR COEUR D'ALENE TV EQUIPMENT; MEMORANDUM OF UNDERSTANDING WITH WASHINGTON STATE TASK FORCE ONE; CHANGE ORDER NO 1 - GE/ZENON FOR WASTEWATER TREATMENT PLANT PILOT EQUIPMENT; AND AGREEMENT WITH STRATA GEOTECHNICAL FOR SPECIAL INSPECTION SERVICES FOR WASTEWATER DIGESTER 2 REPAIR; SS-16-07-FINAL PLAT APPROVAL AND MAINTENANCE WARRANTY AGREEMENT FOR SUNRISE COMMERCIAL PARK, 1ST ADDITION; SS-1-09 - FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT FOR ZANETTI SUBDIVISION AND A LEASE AGREEMENT WITH NEIDER HOUSE, LTD FOR HOWARD AND NEIDER AVENUE PROPERTY.

4. Approval of cemetery lot transfer from Bonnie Wilmath to Gina Giczewski.

STAFF COMMENTS: Renata McLeod, Project Coordinator, explained that the CDBG plan years are separate buckets of money. The first PAC agreement was for CDBG Plan year 2008 grant administration. The proposed agreement is for grant administration services for CDBG Plan year 2009, which began April 1, 2009.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN KENNEDY: Councilman Kennedy commended the Legal Department for the volume of cases they have prosecuted. The four prosecuting attorneys for the City had 626 court cases heard in May and 637 in June.

COUNCILMAN EDINGER: Councilman Edinger, who is the liaison to the Fire Department, commended the Fire and Police Departments for their excellent work during the past several weekends. He noted that the 4th of July, following the fireworks downtown, he had not heard of any disturbances that night and he believes that it is due to the police presence during this holiday weekend. Councilman Edinger also complimented the Chamber of Commerce for a great parade and fireworks display and thanked the Street Department and Parks Department for the great job they had also done during the recent events including Car d'Lane, Ironman and the 4th of July.

COUNCILMAN GOODLANDER: Councilman Goodlander reported that she recently met with the representatives from the Salvation Army and they complimented the Mayor and the Community and noted that the Coeur d'Alene Kroc Center will be the icon for the development of future Ray and Joan Kroc facilities.

APPOINTMENTS – NOISE ABATEMENT BOARD: Motion by Kennedy, seconded by Edinger to appoint Chris Copstead to the Noise Abatement Board. Motion carried.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel announced that due to the great investigative work of the Police Department they have arrested the juvenile that set the fires in the woods near Skyway Elementary School. The Coeur d'Alene Fire Department has established a Fire Corp program and is seeking volunteers to help provide non-emergency assistance from creating web sites to promoting life and safety education. Anyone interested in learning more about this program can contact the Fire Corps Coordinator, Jim Miller, at jdmill911@aol.com. NIC's first POST Academy held outside of the Meridian training complex conducted a graduation ceremony for the 20 law enforcement recruits who started the program 13 weeks ago. By having a POST Academy at North Idaho College, it saves the area's law enforcement agencies money by not having to send and house the recruits in Meridian. CDA TV will be conducting a Candidates Forum on October 7th and residents who wish to submit questions for the

candidates can do so through the City's web site at www.cdaid.org. Mrs. Gabriel announced that on July 9, 2009 the City will issue request for proposals through their Community Development Block Grant funds for projects or services that will benefit low-to-moderate income people or neighborhoods, and/or promote job creation/economic development. She announced that tonight the City Council will be setting the preliminary budget for 2009/2010 and scheduling their budget workshop for July 28th at 5:15 p.m. in the Library followed by a public hearing scheduled for September 1, 2009 at 6:00 p.m. also in the Library. She commended City staff, who during these economic hard times, have voted to forego their contractual 3% cost of living increase. She expressed her pride and gratitude with the City staff's decision thus enabling us to maintain the level of service our citizens expect.

RESOLUTION 09-028

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH LAKE CITY EMPLOYEE ASSOCIATION.

Motion by Kennedy, seconded by Goodlander to adopt Resolution 09-028.

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

RESOLUTION 09-029

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH COEUR D'ALENE FIREFIGHTERS LOCAL NO.710, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS.

Motion by Kennedy, seconded by Goodlander to adopt Resolution 09-029.

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

RECESS: Motion by Kennedy, seconded by Goodlander to take a 5 minutes recess. Motion carried. The meeting recessed at 7:30 p.m. They returned to their regular meeting at 7:35 p.m.

RESOLUTION 09-026

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING A NOTICE OF TIME AND PLACE OF PUBLIC HEARING OF THE PROPOSED BUDGET FOR FISCAL YEAR 2009-2010, AND INCLUDING PROPOSED EXPENDITURES BY FUND AND/OR DEPARTMENT, AND

STATEMENT OF THE ESTIMATED REVENUE FROM PROPERTY TAXES AND THE TOTAL AMOUNT FROM SOURCES OTHER THAN PROPERTY TAXES OF THE CITY FOR THE ENSUING FISCAL YEAR AND LISTING EXPENDITURES AND REVENUES DURING EACH OF THE TWO (2) PREVIOUS FISCAL YEARS, AND PROVIDING FOR PUBLICATION OF THE SAME.

WHEREAS, it is necessary, pursuant to Idaho Code 50-1002, for the City Council of the City of Coeur d'Alene, prior to passing the Annual Appropriation Ordinance, to list expenditures and revenues during each of the two (2) previous fiscal years, prepare a Budget, tentatively approve the same, and enter such Budget at length in the journal of the proceedings and hold a public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the following be and the same is hereby adopted as an Estimate of Expenditures and Anticipated Revenue of the City of Coeur d'Alene for the fiscal year beginning October 1, 2009:

	FY 2006-07 ACTUAL	FY 2007-08 ACTUAL	FY 2008-2009 BUDGET	FY 2009-10 PROPOSED
<u>GENERAL FUND</u> <u>EXPENDITURES</u>				
Mayor and Council	\$192,544	\$186,003	\$196,635	\$197,594
Administration	446,226	475,023	502,884	489,105
Finance Department	700,091	750,453	753,390	753,944
Municipal Services	1,043,257	1,209,907	1,300,580	1,286,984
Human Resources	217,285	228,540	251,441	237,634
Legal Department	1,137,161	1,204,016	1,291,886	1,320,488
Planning	506,252	497,710	539,815	520,422
Building Maintenance	395,878	460,549	422,359	391,436
Police Department	8,044,123	8,552,926	9,246,766	9,262,335
Juvenile Incentive Grant	-0-	-0-	-0-	-0-
COPS Grant	77,962	35,640	-0-	-0-

	FY 2006-07 ACTUAL	FY 2007-08 ACTUAL	FY 2008-09 BUDGET	FY 2009-10 PROPOSED
<u>GENERAL FUND</u> <u>EXPENDITURES</u> <u>CON'T</u>				
KCJA	76,093	134,123	51,640	51,640
Local Law Enforcement Grant	-0-	-0-	-0-	-0-
Fire Department	5,240,560	5,925,304	6,647,519	6,774,548
General Government	3,341,216	1,753,124	202,890	163,250
Engineering Services	1,158,958	1,408,062	1,261,233	1,079,341
Streets/Garage	2,328,016	2,377,091	2,549,117	2,206,686
ADA Sidewalk Abatement			211,814	221,446
Byrne Grant – Police Dept	39,390	45,178	80,662	87,343
Building Inspection	779,535	827,819	904,815	833,420
Parks Department	1,390,919	1,557,127	1,725,209	1,609,820
Recreation Department	788,599	685,308	777,233	764,302
<u>TOTAL GENERAL</u> <u>FUND</u> <u>EXPENDITURES:</u>	<u>\$27,904,065</u>	<u>28,313,903</u>	<u>\$28,917,888</u>	<u>\$28,251,738</u>

	FY 2006-07 ACTUAL	FY 2007-08 ACTUAL	FY 2008-09 BUDGET	FY 2009-10 PROPOSED
<u>SPECIAL REVENUE</u> <u>FUND</u> <u>EXPENDITURES:</u>				
Library Fund	995,746	1,073,849	1,180,404	1,185,698
CDBG	15,225	18,018	304,576	304,576
Impact Fee Fund	877,846	512,620	2,000,000	830,000
Parks Capital Improvement	510,485	618,279	1,578,000	227,000
Annexation Fee Fund	100,000	230,000	400,000	200,000
Self Insurance	271,236	405,313	318,000	201,243
Cemetery Fund	293,665	294,173	296,734	238,674
Cemetery Perp Care Fund	101,199	200,024	103,000	98,500
Jewett House	17,889	31,111	16,300	17,100

Reforestation	6,504	8,100	2,000	2,500
	FY 2006-07 ACTUAL	FY 2007-08 ACTUAL	FY 2008-09 BUDGET	FY 2009-10 PROPOSED
<u>SPECIAL REVENUE FUND EXPENDITURES:</u>				
Street Trees	31,439	68,216	40,000	41,500
Community Canopy			620	1,000
Arts Commission	4,308	6,924	6,700	6,600
Public Art Funds	167,048	41,217	211,000	173,000
KMPO	477,228	346,971	539,200	650,000
<u>TOTAL SPECIAL FUNDS:</u>	<u>3,869,818</u>	<u>3,854,815</u>	<u>6,996,534</u>	<u>4,177,391</u>

	FY 2006-07 ACTUAL	FY 2007-08 ACTUAL	FY 2008-09 BUDGET	FY 2009-10 PROPOSED
<u>ENTERPRISE FUND EXPENDITURES:</u>				
Street Lighting Fund	535,914	527,048	572,090	555,571
Water Fund	6,066,236	7,313,391	7,020,412	5,910,257
Wastewater Fund	10,604,505	9,685,612	17,180,612	21,910,819
Water Cap Fee Fund	206,406	1,268,589	1,000,000	416,240
WWTP Cap Fees Fund	1,802,931	1,153,372	3,798,325	1,026,993
Sanitation Fund	2,951,639	3,054,286	3,100,546	3,116,772
City Parking Fund	188,846	200,775	184,132	173,957
Stormwater Management	1,299,059	1,154,574	1,569,026	1,388,882
<u>TOTAL ENTERPRISE EXPENDITURES:</u>	<u>23,655,536</u>	<u>24,357,647</u>	<u>34,425,143</u>	<u>34,499,491</u>
<u>FIDUCIARY FUNDS:</u>	2,378,212	2,599,982	2,790,728	2,784,500
<u>CAPITAL PROJECTS FUNDS:</u>	9,140,695	2,215,704	1,720,000	2,000,000
<u>DEBT SERVICE FUNDS:</u>	3,119,178	2,522,019	2,383,816	2,153,383
<u>GRAND TOTAL OF ALL EXPENDITURES:</u>	<u>\$70,067,504</u>	<u>\$63,864,070</u>	<u>\$77,234,109</u>	<u>\$73,866,503</u>

	FY 2006-07 ACTUAL	FY 2007-08 ACTUAL	FY 2008-2009 BUDGET	FY 2009-2010 PROPOSED
<u>ESTIMATED REVENUES:</u>				
Property Taxes:				
General Levy	11,228,773	12,724,817	13,796,946	14,615,253
Library Levy	950,838	1,051,397	1,154,565	1,177,656
Policeman's Retirement Fund Levy	150,639	151,414	152,000	152,000
Comprehensive Liability Plan Levy	106,303	107,566	108,257	-0-
Fireman's Retirement Fund Levy	250,000	250,000	250,000	250,000
2006 G.O. Bond Levy	985,186	995,684	1,000,000	972,000
<u>TOTAL REVENUE FROM PROPERTY TAXES:</u>	<u>\$13,671,739</u>	<u>15,280,878</u>	<u>\$16,461,768</u>	<u>17,166,909</u>

	FY 2006-07 ACTUAL	FY 2007-08 ACTUAL	FY 2008-09 BUDGET	FY 2009-10 PROPOSED
<u>ESTIMATED OTHER REVENUES:</u>				
Interfund Transfers	6,064,456	5,114,994	9,573,294	4,826,115
Beginning Balance	29,841,796	31,557,473	33,087,612	27,680,646
Other Revenue:				
General Fund	12,445,373	11,573,001	12,629,317	11,429,726
Library Fund	60,497	39,105	25,839	35,000
Community Development Block Grant		37,362	304,576	304,576
Parks Capital Improvement Fund	515,168	173,140	153,000	129,000
Insurance/Risk Management	98,416	74,638	80,000	50,000

Cemetery	118,111	129,070	160,500	152,000
Annexation Fee Fund	355,951	386,251	100,000	27,000

	FY 2006-07 ACTUAL	FY 2007-08 ACTUAL	FY 2008-09 BUDGET	FY 2009-10 PROPOSED
<u>ESTIMATED OTHER REVENUES CON'T:</u>				
Impact Fee Fund	1,528,381	818,335	825,000	518,000
Cemetery Perpetual Care Fund	111,410	124,282	75,000	80,000
Jewett House	7,568	8,629	7,500	8,000
Reforestation	6,437	9,914	2,000	2,500
Street Trees	43,703	63,320	40,000	40,000
Community Canopy		316	320	1,000
Arts Commission	5,007	5,923	5,700	6,600
Public Art Funds	74,302	87,169	79,379	79,000
KMPO	473,452	334,535	539,200	650,000
Street Lighting Fund	453,280	472,472	465,090	470,571
Water Fund	6,653,932	6,408,925	3,542,000	3,714,570
Wastewater Property Management	-0-	-0-	-0-	-0-
Wastewater Fund	7,219,124	9,641,907	6,484,165	14,491,380
Water Cap Fee Fund	782,937	588,276	600,000	270,000
WWTP Capitalization Fees	2,634,779	1,688,456	1,391,540	802,740
Sanitation Fund	3,031,174	3,067,584	3,144,000	3,053,719
City Parking Fund	229,058	166,366	150,000	129,200
Stormwater Management	1,281,114	1,310,370	1,318,000	1,315,000

Fiduciary Funds	3,012,028	2,934,017	2,565,500	2,558,500
Capital Projects Fund	3,007,465	614,395	200,000	1,000,000
Debt Service Fund	1,474,942	1,439,536	1,035,370	142,061
SUMMARY:				
	FY 2006-07 ACTUAL	FY 2007-08 ACTUAL	FY 2008-09 BUDGET	FY 2009-10 PROPOSED
PROPERTY TAXES	13,671,739	15,280,878	16,461,768	17,166,909
OTHER THAN PROPERTY TAXES	81,529,861	78,869,761	78,583,902	73,966,904
<u>TOTAL ESTIMATED REVENUES</u>	<u>\$95,201,600</u>	<u>\$94,150,639</u>	<u>\$95,045,670</u>	<u>91,133,813</u>

BE IT FURTHER RESOLVED, that the same be spread upon the Minutes of this meeting and published in two (2) issues of the Coeur d'Alene Press, seven (7) days apart, to be published on July 13, 2009 and July 20, 2009.

BE IT FURTHER RESOLVED, that a Public Hearing on the Budget be held on the 1st day of September, 2009 at the hour of 6:00 o'clock p.m. on said day, at which time any interested person may appear and show cause, if any he has, why the proposed Budget should or should not be adopted.

STAFF REPORT: Deputy Finance Director, Vonnice Jensen, presented the proposed preliminary budget. She noted that this resolution set the high water mark for the budget which includes a 2% or \$309,000 in property tax increase but it does not include dollars for cost of living increase, and shows a 75% reduction in capital. She noted that a workshop has been scheduled for Tuesday July 28th and the public hearing has been set for September 1st, 2009.

Motion by Goodlander, seconded by Hassell to adopt Resolution 09-026.

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

RESOLUTION 09-027

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF GINNO CONSTRUCTION OF IDAHO, INC. FOR CONSTRUCTION OF THE RIVERVIEW CEMETERY ADDITION.

STAFF REPORT: Parks Director Doug Eastwood presented an overview of the Forest and Riverview Cemeteries improvement project which included the fence replacement

last year and this year, the construction of cremain columbarium niches. He reviewed the perpetual care fund for maintaining the City's cemetery system.

Motion by Hassell, seconded by Bruning to adopt Resolution 09-027.

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

PUBLIC HEARING – V-09-2– VACATION OF A PORTION OF WATERLINE EASEMENT IN LOT 1, BLOCK 12, CARLSEN TRACTS: Mayor Bloem gave the rules of order for the public hearing. Gordon Dobler, Engineering Services Director, gave the staff report.

Mr. Dobler reported that the applicant is Costco Wholesale Corporation, and the request is the vacation of a portion of the twenty foot (20') water line easement that is situated along the north side of the store on Neider Avenue and acceptance of a new easement that would replace the portion in the vacation request. He noted that the Costco site was developed in 2003 and contained a waterline that encompassed the wholesale facility. Recent construction on the subject property is resulting in the enlargement of the facility which warrants the relocation of a portion of the subject waterline. Because the easement was included in the subdivision plat of the site, the vacation process is required to remove or abandon any part of the easement. Mr. Dobler added that the applicant has relocated the affected waterline and is constructing the addition to the existing building. A new easement has been received and is ready for recordation to replace the portion that is being vacated.

Mr. Dobler reported that 119 notices of tonight's public hearing were sent with 18 responses being received - 12 in favor, 2 opposed, and 4 neutral. Written comments were read into the record.

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

MOTION: Motion by Edinger, seconded by Hassell to approve the vacation of a portion of waterline easement in Lot 1, Block 12, Carlsen Tracts.

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

PUBLIC HEARING – AMENDING THE AREA OF CITY IMPACT: Mayor Bloem reiterated the rules of order for this public hearing. Dave Yadon, City Planning Director, gave the staff report.

Mr. Yadon recalled that in November 2007, as part of the adoption of the new comprehensive plan, the Council approved a motion to remove the Carder Family Conservation Easement (approximately 160 acres) and adjust the boundary adjacent to

the City of Huetter in the planning area boundary and begin negotiations with the County to amend the City's Area of City Impact. On June 28, 2008, the Planning Commission reviewed the proposal and concurred to removal of this subject property from the City's Area of City Impact and adjust the boundary adjacent to the City of Huetter. From February 2009 through May 2009 the County held workshops and public hearings and then adopted County Ordinance No. 427 enacting the change at the county level. Tonight, the Council is being requested to consider the adoption of Council Bill No. 09-1016 which finalizes the action to amend the Area of City Impact Boundary for Coeur d'Alene.

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

ORDINANCE NO. 3364
COUNCIL BILL NO. 09-1016

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, PURSUANT TO IDAHO CODE SECTION 67-6526, ADOPTING A LEGAL DESCRIPTION AND A MAP IDENTIFYING THE AREA OF CITY IMPACT WITHIN THE UNINCORPORATED AREA OF KOOTENAI COUNTY, IDAHO; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Hassell, seconded by McEvers to pass the first reading of Council Bill No. 09-1016.

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

Motion by Edinger, seconded by McEvers to suspend the rules and adopt Council Bill No. 09-1016 by its having had one reading by title only.

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

EXECUTIVE SESSION:

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

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

The Council met in Executive Session at 8:10 p.m. Members present were the Mayor, City Council, City Administrator, Deputy City Administrator and City Attorney.

Matters discussed were those of personnel and claims. No action was taken and the Council returned to the regular meeting at 8:10 p.m.

CUNNINGHAM MATTER: Motion by Edinger, seconded by Bruning to authorize staff to proceed with the settlement of the Cunningham matter as recommended by legal counsel. Motion carried.

SOBOTA CLAIM: Motion by Edinger, seconded by Hassell to authorize staff to proceed with the offer of settlement in the Sobota claim as recommended by legal counsel. Motion carried.

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

The meeting adjourned at 8:28 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
Deputy City Clerk