

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL,
AUGUST 21, 2007

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Hall, August 21, 2007 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Al Hassell)	Members of Council Present
Woody McEvers)	
Loren Edinger)	
Deanna Goodlander)	
Dixie Reid)	
Mike Kennedy)	

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

INVOCATION was led by Pastor Tim Remington, The Altar Church.

PLEDGE OF ALLEGIANCE: Councilman Kennedy led the pledge of allegiance.

PRESENTATIONS:

PRESENTATION – “2007-2008 BUDGET PREVIEW”: Finance Director Troy Tymesen noted that the proposed budget is on the City’s web site and if a citizen has a question on the budget they may submit it on the web site. Mr. Tymesen reviewed the Council's priorities set for the coming year and how these priorities have been incorporated into the proposed budget. He announced that the County has reported the City is projected to receive more revenue from new growth than originally anticipated and he proposed that these additional revenues be added to the Police Dept. budget for additional officers, support staff and whatever the new Chief deems necessary. Mr. Tymesen explained the different sources of revenue for the City which includes levy rates, new growth, valuations, etc.

In response web questions, Mr. Tymesen explained how the 3% increase to the City budget impacts the property tax levy rate. He went on to explain “Fund Balance”, as allowed by State statute, and the benefits of maintaining a healthy fund balance.

He announced that the public hearing on the proposed budget will be held September 4th at 6:00 p.m.

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

1. Approval of minutes for August 7, 2007.

2. Setting of the Public Works Committee and General Services Committee meetings for August 27th at 4:00 p.m.
3. RESOLUTION 07-054: 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 BID AWARD AND CONTRACT WITH GINNO CONSTRUCTION, INC. FOR THE CONSTRUCTION OF THE FIRE DEPARTMENT ADMINISTRATION BUILDING; APPROVAL OF AN AGREEMENT WITH SCHOOL DISTRICT 271 FOR THE 2007/2008 SCHOOL RESOURCE OFFICER; APPROVAL OF A CONTRACT WITH H2O WELL SERVICE FOR THE INSTALLATION OF A TEST WELL IN THE HAWK'S NEST SUBDIVISION AND APPROVAL OF CHANGE ORDER NO. 1 TO THE AGREEMENT WITH INTERSTATE CONCRETE & ASPHALT FOR THE RAMSEY ROAD RECONSTRUCTION PROJECT.
4. Approval of bills as submitted and on file in the City Clerk's Office.
5. Award of Bid for the purchase of Three Fire Department Vehicles
6. Approval of beer/wine license for 4th Street Beverage Shack.
7. Setting of Public Hearing for O-0-07C - Modification to East Infill Boundary for September 18, 2007.

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

APPOINTMENT TO LIBRARY BOARD: Motion by Kennedy, seconded by Goodlander to re-appoint Steve McCrea to the Library Board. Motion carried.

ORDINANCE NO. 3308

EMERGENCY PROCLAMATION

AN ORDINANCE DECLARING AN EMERGENCY AND BANNING SMOKING AND ALL ACTIVITIES CAPABLE OF CREATING AN OPEN FLAME ON ALL CITY OWNED OPEN SPACE/NATURAL AREAS INCLUDING: TUBBS HILL, CHERRY HILL PARK, CANFIELD MOUNTAIN TRAIL AREA AND VETERAN'S CENTENNIAL PARK; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE A MISDEMEANOR PUNISHABLE BY A FINE OF UP TO \$1,000.00 DOLLARS OR BY IMPRISONMENT NOT TO EXCEED 180 DAYS OR BOTH; TEMPORARILY SUSPENDING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE UPON POSTING IN FIVE PUBLIC PLACES WITHIN THE CITY LIMITS.

Motion by Goodlander, seconded by Edinger to ratify Ordinance No. 3308, a Proclamation of Emergency, signed by the Mayor on August 8, 2007.

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

Motion by Edinger, seconded by Goodlander to suspend the rules and to adopt Ordinance No. 3308 by its having had one reading by title only.

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

PUBLIC QUESTIONS: **The City Council set aside this time for any citizen to ask the Council any questions they may have about City activities, projects or the functions and operations of their City government.** The Mayor noted that with 15 people signed up, that each person would be allowed the usual 5-minute time limit to ask their question.

CROSSWALKS IN SCHOOL ZONES: Roy Wargi, E. 2022 Cd'A Avenue, voiced his concern with the crosswalks in school zones. He believes that the City needs to have more crosswalks than two per intersection; but, rather, should have 4 per intersection. City Engineer, Gordon Dobler, explained that at the intersection of Cd'A Ave and 21st there are crosswalks on the north side and east side of that intersection and Mr. Wargi believes there should be a crosswalk on the west side of the street. He explained that the two crosswalks are based on the school walking route established by the School District. He noted that at one point the City had worked with the school regarding placing crossing guards at this location.

MOTION: Motion by Reid, seconded by Kennedy to direct Gordon to discuss this issue with the School District and provide his recommendations to the Public Works Committee. Motion carried.

JEWETT HOUSE USE: Joan Orr, 838 N. 7th, Cd'A, expressed her concerns that the Jewett House is not listed in the phone book as a senior center. Since the City allows weddings at the facility, she believes that this is in violation of the deed of trust. Recreation Director, Steven Anthony, noted that it is listed in the Blue Pages of the phone book under City Government and on the City's web page. Ms. Orr also asked that there be a newspaper article advertising the Jewett House as a senior center. Mr. Anthony noted that the weddings were allowed through an addendum to the deed of trust and that any revenue raised through weddings is used on improvements to the Jewett House. He also noted that there are flyers at the Lake City Senior Center telling seniors about the Jewett House and the activities available to them.

BANNING OF CERTAIN BREEDS OF DOGS: Jody Campbell, 16598 N. Valor Road, Rathdrum, Idaho, voiced her opposition to banning certain dog breeds in the City. She requested that members of the Council attend a conference that will be held in Spokane regarding dogs. She also noted that if the City bans pit bulls there is a service dog that is part pit bull. City Administrator, Wendy Gabriel, reported that the Legal Department is

still reviewing this issue including adding more “teeth” to the ordinance making owners more responsible. She noted that the Legal Department’s recommendation could be coming before the Council in the next 30 days.

CITY RIGHTS-OF-WAY RESPONSIBILITY: Anika Connaway, 1418 N. 2nd Street, asked about the City’s jurisdiction of the public City’s rights-of-way, in particular she asked who owned the underlying land within the rights-of-way. She questioned who is responsible for upkeep as well as who is liable for the rights-of-way especially as they relate to sidewalks and trees. Additionally she wanted to know why she didn’t have a choice with the liability and who does the land belong to. Mike Gridley explained that there are different kinds of rights-of-way. For example, rights-of-way for roadways are dedicated at the time of the subdivision. Typically the homeowner owns the lot where there are sidewalks, but the rights-of-way are dedicated by the developer of the subdivision to grant the rights-of-way. Improvements such as sidewalks and street trees are improvements to the property and thus the responsibility of the property owner. Mayor Bloem noted that the issue of who owns the trees in rights-of-way will be referred to the Parks Department.

Mr. Gridley continued that liability is negligence which is a result of lack of normal and ordinary care and maintenance. Therefore, if the City has delegated the maintenance of the trees to the property owner, then the property owner has the liability of maintaining the tree. Mrs. Connaway announced that as a member of the Urban Forestry Committee that if she cannot fully understand the regulations regarding street trees then how does the City expect property owners to know all the rights and responsibilities of street trees, sidewalks, etc. The Mayor noted that Mrs. Connaway has brought up some good points and the City will clarify these issues. Mr. Gridley noted that it is the responsibility of the homeowner to maintain sidewalks and it is the City’s responsibility to make sure that the homeowner maintains the sidewalks.

BANNING CERTAIN DOG BREEDS: Judy Secaur, 4102 Nez Perce Rd., spoke in opposition to banning certain breeds of dogs. "NAIA" is an organization that has some proposals on the how to correctly create a dog law. She announced that there is an American Kennel Club (AKC) sponsored dog show in the City and if certain dog breeds are banned then the AKC will no longer sponsor this dog show. She also asked, in regard to mixed breeds, who will make the determination of which breed a dog is. She noted that her club feels that the City should create laws that hit irresponsible dog owners in the pocket book.

FUND BALANCE: Kathy Sims, 108 Teresa Drive, Fernan Village, spoke in opposition to having City Fund Balance and believes that the City should run without any fund balance. Rather any fund balance should be used to lower property taxes. She believes that the City appropriates funds after the City has spent the money. Finance Director Troy Tymesen responded that the “rainy day fund” is a newspaper term and it is not a City fund. He noted that trust and agency funds are not supported by property taxes. He explained that upcoming amendments to the budget reflect the revenue received from the voter-approved G.O. Bonds for the new Library and Public Safety improvements. He

noted that he has worked with Kathleen Sims in trying to explain the Fund Balance, the impact of the G.O. Bonds and amending the budgets. Councilman Hassell explained the purpose of Trust and Agency Funds which, basically, are funds received in trust to be paid out, such as the City collects garbage payments for the County and then passes the funds received onto the County. Mr. Tymesen further explained that the Fund Balance does not grow due to excess property tax. In fact, property taxes are not added to the Fund Balance, but from funds of other revenues received such as building permits. He explained what are Enterprise Funds and that these funds are not property tax supported but are fee for service.

DOG SHELTER: Bonnie Niles, 918 N. 9th Street, voiced her disappointment in the City's lack of being a dog friendly community. She believes that the City is euthanizing animals due to lack of space. She believes that there is poor communication between the various cities if a loose dog is picked up. She also wanted to know if there is any budgeted amount for a new animal shelter. She also believes that the City needs to work on a population control plan for pets. City Administrator, Wendy Gabriel, reported that the City is currently working on the City's options for an animal shelter including working with the Kootenai Humane Society and the County for a state of the art regional shelter/pound. She noted that there is no dollar amount in the budget for a new dog pound but the City will amend the budget when we know the exact dollar amount. Doug Eastwood, Parks Director, reported that as part of the Parks Long Range Plan, one of the top requests received is a dog park. The Parks Department has researched what is the best type of facility to construct. He noted that the City is currently short on land and cash for a dog park – the City would need at least 5 acres for the park and dog parks have higher maintenance costs than other parks. He noted that the City does allow people to walk their dogs on a leash along the Centennial Trail; however, the trail goes through the City Park which seems to cause some confusion with residents so new signage has been posted in the City Park noting where dogs are allowed and where they are prohibited. Chief Carpenter noted that all impounded dogs go to one shelter, so citizens should know where to go to locate their lost dog.

URBAN RENEWAL: Dan Gookin, 714 W. Empire Avenue, speaking on behalf of Gunter Milo, voiced Mr. Milo's concerns about the City's Urban Renewal Agency and that he believes it is in violation of Idaho laws. Councilman Hassell, in response to the question of how the plan was changed and what was the plan, noted that there was a very extensive plan developed and he believes that the original intent of the plan has not been varied including the original districts developed and their ability to create new districts. Councilman Reid noted that the plans are not as specific as some people would like simply because no one can predict projects down to the level of specificity critics have demanded. Mayor Bloem noted that there was a public hearing with a very large public turnout to the point that the hearing was held at the Coeur d'Alene High School. She noted that when the Urban Renewal District was created the downtown area had a 50% vacancy and that vacancies in the downtown are far lower now. Mayor Bloem also suggested that Mr. Milo call either the City or the LCDC to further answer any of his concerns.

CITY BUDGET AMENDMENTS: Virginia Monette, 1371 W. Coral Drive, asked the City how and why the City spent \$18,000,000 that was not budgeted. She asked Mr. Tymesen to mail her his answer.

ZONE CHANGES: John Williams, 6222 Harcourt Drive, ask the Council, "What are you thinking?" in regard to the recent zone changes being made. He noted that one zone change in particular was a PUD and zone change for the property next to Fred Meyer for senior housing, yet nothing has been done on this property. Also, everyone is talking about workforce housing, yet the Council is changing property to a commercial zone, such as the zoning on 3rd and 4th Streets being changed to commercial. He commented that the reason there are so many help wanted signs is because people can't afford to live in the area. He urged the Council to look at the past and see why prior Councils zoned property residential. Councilman McEvers asked Dave Yadon, Planning Director, for some background on the PUD time limits and history of the City's zoning. Mr. Yadon explained that PUD's have a 1-year limit from the date of approval, that the developer needs to submit a **Final Development Plan** and that the State of Idaho has laws that regulate how soon a Council can revert a zoning back to the prior zoning. He noted that the original City-wide zoning was done in 1946. In 1982 new zoning was adopted Citywide and then the question was: which takes precedence, zoning regulations or Comprehensive Plan. He also noted that in 1982, the City was half the size it is today and that the Council and Planning Commission planned as best they could to predict what the City would look like in the future 20-30 years and designated new zoning in conformance with the Comprehensive Plan.

URBAN RENEWAL AGENCY: Sharon Culbreth, 206 Hubbard, Cd'A, requested that the City strictly oversee the operations of the Lake City Development Corporation (LCDC). She noted that by her reading of the State law, LCDC must provide financial impact development statements for each urban renewal district. She believes that LCDC has failed to develop financial impact statements on each district they have created. She requested that the Council require LCDC to develop financial impact statements on every taxing district impacted by the urban renewal agency's existence. She announced that the City of Nampa's Urban Renewal District is being sued by the School District. Councilman Kennedy asked Ms. Culbreth if she talked with the lawyer for the School District that is suing Nampa. He noted that he had contacted the attorney for the plaintiff, who informed him that the financial impact statement is not the issue of the plaintiffs' complaint and a correlation cannot be made with what is happening in Nampa with the City of Coeur d'Alene.

Matt Roetter, N. 9890 Valley Way, Hayden, Idaho, believes that the Valley View School District is suing the City of Nampa because the school district is losing tax dollars due to Urban Renewal Districts (URDs). Councilman Kennedy asked if Mr. Roetter had talked to the School District. Mr. Roetter responded that he has not talked with their attorneys. Councilman Kennedy pointed out that the boundaries in the Nampa URD and the boundaries in the City's URDs are drastically different and cannot be compared. Ms. Culbreth interrupted commenting that the school district is impacted by URDs. Mr.

Roetter continued that he believes that the taxes from increment assessed value does not go to School Districts. Mayor Bloem noted that last year, the M & O for schools had been removed from property taxes. Finance Director, Troy Tymesen, noted that there will be proposed legislation to correct that URDs receive school bond revenues. Mr. Roetter asked what is the true impact the URDs have on other taxing districts. Councilman McEvers noted that the City seems to be taking a bashing for following state rules. Mr. Roetter agreed but asked that LCDC just provide a report on what the impact is on all other taxing districts. Mayor Bloem confirmed that the City will make sure that LCDC is following the law. Councilman Kennedy asked Mr. Roetter if he would be willing to go before the State Legislature with Councilman Kennedy to lobby for more tax dollars for schools. Mr. Roetter said that he would agree only if the City required LCDC prepare a financial impact statement for every taxing district affected by a URD. Mayor Bloem asked that everyone look at balance, what LCDC is producing and what it is costing.

RECESS: Mayor Bloem called for a recess at 8:35 p.m. The meeting reconvened at 8:43 p.m.

SWALES: Larry Siglin, 1988 E. Gunther Ave., voiced his concern that when the City decided to put in swales instead of an underground piped storm water system they should have accepted maintenance responsibility for them. He believes that wherever there are swales without homeowners associations, the swales are full of weeds. Although the City has made it the responsibility of the homeowner to maintain the swales, he believes that swales are City property and, therefore, the City needs to plant, maintain and repair all swales within the City. Another issue is that in 1999 the City annexed Bentwood Park into the City, which also provided a bicycle path and since the City owns the bike path the City needs to maintain the path next to his property which includes painting lines, adding signage, sweeping and snow plowing the trail. Deputy City Administrator, Jon Ingalls, responded that it is the homeowner's responsibility to maintain swales if the swale is in the front yard or if the swale is in the back yard. Mr. Siglin responded that this issue will probably go to litigation since he believes that it is the City's property and therefore the City should be maintaining all swales in the City.

PERSON'S FIELD: Jodi Teter, 1320 Pennsylvania Avenue, asked why the City has not budgeted any money to purchase the School District's half of Person's Field. She requested that the City Council purchase the other half of Person's Field and the neighborhood have input into how the park is to be better developed. She also asked for the Council's guarantee that this field will remain a park in perpetuity. Doug Eastwood explained that the reason there is no funding in the budget is because the School District has not offered it up for sale. He noted that about a year ago, there was a meeting with the neighborhood and the school district, and at that time he had asked that nothing be done to the field until the Parks Master Plan has been completed. He noted that the school district is aware that the City is interested in acquiring the other half of Person's Field. Mr. Eastwood noted that using Person's Field for affordable housing is a rumor and that neither the Council nor the Parks Department has ever considered using this property for affordable housing. Councilman Edinger reaffirmed that there has never

been any talk about the City Council using Person's Field for affordable housing and cautioned residents in believing everything they read in the newspaper. Mr. Eastwood noted that the City has no history of ever liquidating park land and, historically, the City has acquired parkland.

BIKE LANES: Dwight McCain, 1130 E. Timber Lane #7, commented that he does not like to use the City's bike lanes because these lanes appear to be the last part of the roadway that are swept. Deputy City Administrator Jon Ingalls responded that the City does sweep all Class II bike lanes such as the lanes on 15th Street and on Mullan Avenue. Most arterials get swept weekly. Mr. McCain commented that 4th Street has leaves from last fall so either the City does not sweep that street or the equipment is defective. Jon Ingalls explained that sometimes depending on conditions, sweepers cannot get exactly up to the curb line due to trees and limbs extending into the sweepers path. Mayor Bloem noted that the Bike/Ped. Committee is a very active group and invited Mr. McCain to contact this group with his areas of concern.

CODE ENFORCEMENT: Susan Snedaker, 821 Hastings, thanked Troy Tymesen and Vonnie Jensen for their time and energy addressing her questions on the budget. She also thanked the Council for making Code Enforcement a priority. She asked the Council if the City is streamlining the code enforcement process whereby we are providing more clout with enforcement and minimizing the time required in which to resolve code compliance complaints. Deputy City Administrator Jon Ingalls reported that Code Enforcement is in transition in that it is now being done in house within the Police Department. City Attorney Mike Gridley noted that the new Code Enforcement Officer is turning over noncompliant infractions to the Legal Department sooner than was previously done. He also explained that code enforcement complaints in the court system take a lower priority and the reason why it takes the time it does to have people comply.

ANIMAL SHELTER: Rhonda McGee, 2251 Harrison Avenue, thanked the Mayor and Council for their professionalism in which they handled this meeting and other City matters. She voiced her concerns after having recently read in the newspaper that the issue of a City animal shelter was just now being addressed due to Post Falls bumping up their charges to the City. She also would like to see the City take a major role in determining the site of a future animal shelter in that she believes it should be more centrally located within the City and the City should be working more with the County than the Kootenai Humane Society for a future site. She would like to have a staff person assigned to work with the County. City Administrator Wendy Gabriel responded that she has talked with the County about a possible joint site. The current option is about 12 minutes from the City and this regional facility would be constructed in partnership with the County and Kootenai Humane Society. Ms. McGee suggested that a possible location would be around the transfer station on Ramsey Road or out at the airport property.

FIREWORKS BAN: Meredith Bryant, 1988 E. Gunther, commented that if Councilman McEvers needs some help in banning fireworks in the City she would be willing to help as she is a dog owner and fireworks have such an adverse effect on her dogs. She

believes that the first step would be to not allow the sale of fireworks within the City.

MAYOR/COUNCIL COMMENTS:

Mayor Bloem commented that this evening's meeting was very successful and thanked the staff for participating as well as the citizens who came and participated in this meeting. Councilman Reid complimented the citizens for bringing to the Council's attention the variety of issues they brought forward tonight.

EXECUTIVE SESSION: Motion by Reid , seconded by McEvers to enter into Executive Session as provided by I.C. 67-2345 SUBSECTION A: To consider hiring a public officer, employee, staff member or individual agent; and SUBSECTION F: To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

ROOLL CALL: Hassell, Aye; Goodlander, aye; Kennedy, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye. Motion carried.

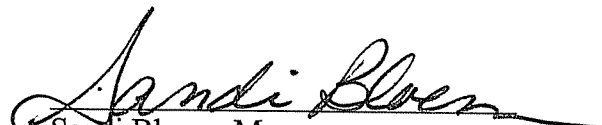
The session began at 9:35 p.m. Members present were the Mayor, Council, City Administrator, and City Attorney.

Matters discussed were those of personnel and litigation.

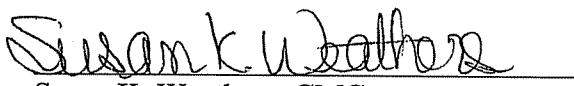
No action was taken and the City Council returned to regular session at 10:00 p.m.

ADJOURNMENT: Motion by Edinger, seconded by Kenendy to recess this meeting to Thursday, August 30, 2007 at 7:00 a.m. at the Breakfast Nook for a Joint City Council/County Commissioner meeting.

The meeting adjourned at 10:00 p.m.


Sandi Bloem, Mayor

ATTEST:


Susan K. Weathers, CMC
City Clerk