

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
AUGUST 21, 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 August 21, 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
Woody McEvers)
Deanna Goodlander)
Mike Kennedy)
Steve Adams)
Dan Gookin)

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 Gookin.

PUBLIC COMMENTS:

FLAG POLES: Doug Shevalier, 3605 Newbrook Dr., spoke against requiring a building permit for the installation of flag poles in residential zones.

ITINERATE VENDORS: Susan Snedaker, 821 Hastings, requested the Council consider licensing itinerate vendors that sell their goods in our town. Councilman Goodlander explained that the City does have a vendors license when they use public property such as City sidewalks or streets and the vendors referred to in Ms. Snedaker's comments set up on private property. Councilman Goodlander also noted that the itinerate food vendors are required to have a health permit.

MC EUEN PROJECT: Tina Johnson, 601 E. Front, asked Councilman Gookin why his comments in different Council meetings contradict themselves and how does his "no" vote move the McEuen Project forward.

VACATION RENTALS: Robert Felten, 1054 N. Government Way, commented that he had been informed that his rental home is in violation of zoning codes but when he questioned the Planning Director Dave Yadon he stated that the code does not state such violations. Mr. Felten asked if the Council was aware that staff is sending out such notices. City Attorney Gridley responded that the code in residential areas does not allow rentals for less than 30 days. Mr. Felten responded that he would request that the City stop the notices of violations for housing rentals. Councilman Edinger asked about Ironman week. Mr. Gridley responded that if we strictly enforced the code we would prohibit such rentals. Councilman Adams asked Mr. Felten what the complaints were and Mr. Felten responded he received complaints from his neighbors regarding

traffic, parking, and noise. Mayor Bloem asked staff to review the code and that the City Administrator, Wendy Gabriel, will respond to Mr. Felten. Councilman Gookin suggested that rental houses could possibly be required to have a license to operate. Councilman Kennedy suggested that further discussion be held off until all the facts can be received.

Chris Copstead, 1046 N. Government Way, commented that he purchased his townhouse 4 years ago and his neighbor purchased the townhouse next to his as a business to use as a vacation rental. He noted that under the permitted uses in residential zones it does not state that vacation rentals are an allowable use. Mr. Copstead referred to a letter from former City Attorney Jeff Jones who noted that vacation rentals are not allowed in residential zones. He also noted that the remaining townhouse owners also object to the use of the townhouse as a vacation rental.

CONSENT CALENDAR: Motion by Goodlander, seconded by Adams to remove the bid award and contract for McEuen Project to ACI Northwest (Resolution 12-036) from the Consent Calendar. Motion carried.

Motion by Kennedy seconded by McEvers to approve the remaining items on the Consent Calendar as presented.

1. Approval of minutes for August 27, 2012.
2. Setting of General Services Committee and the Public Works Committee meetings for August 27th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 12-036 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 A PROFESSIONAL SERVICES AGREEMENT WITH THE OMEGA GROUP SOFTWARE COMPANY; APPROVING CHANGE ORDER NO. 11 WITH CONTACTORS NORTHWEST FOR WWTP PHASE 5B; ~~AWARD OF BID AND APPROVING A CONTRACT WITH ACI NORTHWEST, INC. FOR THE 2012 MCEUEN CONSTRUCTION PROJECT;~~ AND APPROVING THE DESTRUCTION OF RECORDS AS REQUESTED BY THE HUMAN RESOURCES DIRECTOR.
4. Declaration of Surplus Property from the Street Department.
5. Approval of Bills as submitted and on file in the Office of the City Clerk.
6. Approval of beer/wine license for Slate Creek Brewing Company at 1710 N. 4th St., Suite 115.
7. Declaration of surplus vehicle for the Water Department.

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

RESOLUTION 12-036

AWARD OF BID AND APPROVING A CONTRACT WITH ACI NORTHWEST, INC. FOR THE 2012 MCEUEN CONSTRUCTION PROJECT.

DISCUSSION: Councilman Goodlander noted that this bid award, as with other bid awards, are normally placed on the Consent Calendar; however, she believes that this item should be discussed separately.

MOTION: Motion by Goodlander, seconded by Kennedy to approve the Resolution.

DISCUSSION: Councilman Gookin asked about the process for Change Orders for this bid as he noticed that there is already a change order prior to approving the bid. Mr. Eastwood noted that it is not a change order and noted that the changes Mr. Gookin is referring to are really a change to the bid specifications. Councilman Gookin asked what occurs if the contractor takes longer than required. Mr. Eastwood noted that there is penalty clause that the contractor can be charged if they run over the timeline with the exception of inclement weather. Councilman Gookin asked about the change order process. Mr. Eastwood explained the change order process. Mr. Gookin commented that he has received several calls from residents who do not want to see the construction vehicles going up and down 7th Street due to the noise, dust, etc. Mr. Eastwood noted that the access point to the construction will be 5th Street. Councilman Gookin would like to see a specific plan for the route which the contractors will use during the construction of McEuen. Mr. Eastwood noted that in the Notice to Proceed he will advise them of the routes they can use for the heavy equipment. Councilman Gookin stated that he would appreciate that.

Councilman Edinger asked if LCDC is funding this project. Mr. Eastwood confirmed that a portion of the funding is coming from LCDC. Councilman Edinger asked who is taking the fencing, lights, and backstops down. Mr. Eastwood responded that Thorco is taking the lighting down and that staff is taking the fencing and backstops down. Mr. Edinger asked if the City is going to be reimbursed by LCDC for staff time. Mr. Eastwood clarified that staff is salvaging the fencing and backstops, the irrigation sprinkler heads, benches, trash cans, and ADA drinking fountains as all these items can be recycled and thus staff is taking them out for reuse. Councilman Edinger asked why this bid award did not go through the General Services Committee. Mr. Eastwood noted that this project was approved via a contract with Team McEuen and thus staff is following the normal process for bid awards. Councilman Adams asked about Team McEuen's oversight of the bid process. Mr. Eastwood responded that city staff and Welch Comer both reviewed the bids for their responsiveness to the specifications, and both submitted their reports recommending the award of bid, and that he wrote the staff report to City Council recommending the contract award go to ACI.

ROLL CALL: McEvers, Aye; Goodlander, Aye; Gookin, No; Kennedy, Aye; Edinger, No; Adams, No. Motion carried with the Mayor's tie-breaking vote in the affirmative.

COUNCIL ANNOUNCEMENTS:

COUNCILMAN GOODLANDER : Councilman Goodlander reported that she had met with the Wastewater Treatment Plant staff for discussion of future improvements to the WWTP. One of the improvements will be to use the biogas that results from the treatment process as a heating source which will save the city \$470/day in heating costs during the winter months.

COUNCILMAN GOOKIN: Councilman Gookin noted that he has received comments from residents on 7th Street of the vehicles speeding and failing to stop at signed intersections. Also, he has received calls regarding the city not licensing door-to-door salesman. Councilman Gookin also voiced his concern of stopping the lifeguards prior to the Labor Day holiday.

COUNCILMAN ADAMS : Councilman Adams thanked the firefighters and police officers who helped manage the Coeur d'Alene Triathlon event.

ADMINISTRATOR’S REPORT: City Administrator Wendy Gabriel announced that the Parks Department will soon begin a project to restore native trees to the north side of Tubbs Hill. A veritable “wall” of non-native trees such as Norway maples and cherries, trees that are growing at the base of Tubbs Hill near McEuen Park, will be removed. Once the non-native trees are removed, the area will be replanted with native trees. Tubbs Hill trails will be open during the duration of this project. If you have any questions, contact Katie Kosanke at 415-0415. Our potential new water well on Atlas Road north of Hanley Avenue has passed the initial water quality tests. More tests are being run, but so far it has high potential to meet our needs. Also, the Emma Avenue water main replacement project continues. Beginning this week, crews will be crack filling and seal coating the section of the Centennial Trail between I-90/Northwest Boulevard and Highway 41. Between August 27th and September 7th, the remainder of the Centennial Trail from Highway 41 to the Idaho/Washington state line will be completed, barring any bad weather. The contractor can seal about one mile of trail per day. For more information, please contact the Parks Department at 769-2252. During the seal coating period, please be aware of the project, use the shoulder when traveling around the work area and, when appropriate, walk bikes around the work area. This summer’s street overlay program is on schedule. Streets to be overlaid will have temporary closures due to grinding, utility raising, and paving of the streets. In some cases, traffic may be reduced to one lane during the overlay period. The scope of the projects include the overlay of approximately 37 blocks of city streets including: A, B, C, and D Streets from Milwaukee Drive to Virginia Avenue; Milwaukee Drive from Government Way to Idaho Avenue; Browne Avenue from Government Way to Milwaukee Drive, and; Idaho and Virginia Avenues from Government Way to Lincoln Way. Although goats have been allowed at the city’s water reservoirs, Department of Environmental Quality rules prohibit the keeping of “livestock” at wells. The intent of the rule is to prevent keeping cows and other large animals near drinking water supplies. Pygmy goats are legally defined as livestock although pretty much everyone agrees that they would have no measurable impact on water quality. As a result of a study that was conducted, pygmy goats are now allowed to eat away the weeds at the well sites. For more information, please contact the Water Department at 769-2210 or the Department of Environmental Quality at 769-1422. The Coeur d’Alene Police Department is sponsoring the last of the three outdoor movie nights this summer. On Saturday, August 25th, at 8:30 p.m., in the City Park Rotary Band Shell, “The Lorax” will play. Free hot popcorn will be provided by Kiwanis. Bring chairs, blankets, and other picnic items. The Coeur d’Alene Arts Commission is seeking nominations for the 17th Annual Mayor’s Awards in the Arts. You may pick up a nomination form at City Hall, or download and print a form from www.cdaid.org. Nominations must be submitted by September 5, 2012. For more information, call Eden Irgens at 818-3067, or email eden@rangeus.com. On September 8th is the Fire Dept. Open House from 10 to 2 p.m. October 8th at 5:00 p.m. is a workshop to provide information regarding a potential transfer of property from ITD to the City for property along Coeur d’Alene Lake Drive.

Councilman Kennedy asked that Katie Kosanke do a presentation at the next Council meeting regarding the removal of non-native trees from Tubbs Hill.

RESIDENTIAL FLAG POLE BUILDNG PERMIT AND FEES: Councilman McEvers noted that several avenues could have been taken by the Council and believes that this is an issue that should be brought to the attention of the State but the residents should not be charged for a permit.

MOTION: Motion by Goodlander, seconded by Kennedy to amend the building code to exempt the requirement for building permits and permit fees for the installation of residential flag poles, and authorize staff to work with the state to exempt the requirement from the statewide adopted International Residential Building code.

DISCUSSION: Councilman Goodlander noted that this exemption should only be allowed for poles up to 32 feet and not the commercial large flag poles. Councilman Gookin agrees with this motion. Councilman Adams noted that the State had adopted the International Building Code and the city adopted the state's code but other cities did not. He believes that cities do have some flexibility in which State building codes they can adopt. Building Official Ed Wagner noted that the City cannot be less restrictive from the State Code and that the City's legal counsel believes that this would be less restrictive than State Code. City Attorney Mike Gridley responded that to exempt it from the Code, the city would need to hold a public hearing and the Council must determine that an equivalent level of protection must be maintained before the City could adopt an ordinance exempting this code section. Mayor Bloem noted if the code is changed at the state level, then the City would not need to go through this process.

Mr. Wagner noted that the poles do need to be installed to manufacturer's specifications. Councilman Goodlander believes that the process would be that the City would not charge for a permit and then staff would work with the State to change the code. Mr. Gridley reiterated the process by which the Council could amend the adopted International Residential Building Code. Mayor Bloem asked if the building code requires a fee. Mr. Wagner responded that the fee is set by City resolution and the City could exempt the fee. Mr. Gridley also noted that the Council could amend the fee without a public hearing. Councilman Kennedy believes that the motion is to immediately exempt the fee and then have staff proceed with the public hearing process to amend the code to exempt the permit requirement for residential flag poles. Councilman Kennedy further believes that they could exempt the fees, go through the public hearing process, and also work with the State to review the state adopted International Residential Building Code. Councilman Adams concurred with Councilman Kennedy. City Attorney Gridley believes that the public hearing could be held in approximately 45 days.

Motion carried.

PUBLIC HEARING - AMENDMENTS TO ANNUAL APPROPRIATIONS FOR FY 2011-2012: Mayor Bloem read the rules of order for this public hearing. Finance Director Troy Tymesen gave the staff report.

Mr. Tymesen reported that the Idaho code allows the City Council at any time during the current fiscal year to amend the appropriations ordinance to reflect the receipt of revenues and/or the expenditure of funds that were unanticipated when the ordinance was adopted. The City each year adopts amendments to the appropriations ordinance. He reviewed the proposed amendments for additional revenues received and expenditures made.

DISCUSSION: Councilman Gookin noted that the City 40 has days left of the fiscal year and this is an estimated amendment to the budget, and asked if the City would need to do another public hearing at the end of the year. Mr. Tymesen responded that any changes to the proposed amendments have historically been so minimal that the auditors have never noted a

recommendation to do otherwise in their audit reports. Councilman Gookin stated that although he understands the reasons for doing the amendment to the budget 40 days prior to the end of the fiscal year, he would prefer the public hearing to be held at the end of the fiscal year.

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

ORDINANCE NO. 3448
COUNCIL BILL NO. 12-1022

AN ORDINANCE AMENDING ORDINANCE 3421, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 APPROPRIATING THE SUM OF ~~\$77,972,509~~ \$79,100,472, WHICH SUM INCLUDES ADDITIONAL MONIES RECEIVED BY THE CITY OF COEUR D'ALENE IN THE SUM OF \$1,127,963; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Goodlander, seconded by McEvers to pass the first reading of Council Bill No. 12-1022.

DISCUSSION: Councilman Gookin noted that he would be more comfortable doing this amendment at the end of the year.

ROLL CALL: McEvers, Aye; Adams, Aye; Edinger, Aye; Gookin, No; Goodlander, Aye; Kennedy, Aye. Motion carried.

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 12-1022 by its having had one reading by title only.

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

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

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

The Council entered into Executive Session at 7:32 p.m. Members present were the Mayor, City Administrator, City Council, City Attorney, and Deputy City Administrator.

Matters discussed were those of labor negotiations. No action was taken and the Council returned to its regular session at 7:55 p.m.

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

The meeting adjourned at 7:55 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk