

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
SEPTEMBER 1, 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 September 1, 2009 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

INVOCATION: The invocation was led by Rev. Ron Hunter, Church of Nazarene.

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

ADDENDUM TO THE AGENDA: Motion by Hassell, seconded by Kennedy to add the Funding Agreement with HUD for CDBG-R Allocation to the Consent Calendar resolution. Motion carried.

PUBLIC COMMENTS:

GARBAGE SERVICE: Phil Damiano, 1719 E. Finch Rd, Hayden Lake, Idaho, manager of Coeur d'Alene Garbage Service, noted that from 1974 to 1981 his company had the City of Coeur d'Alene garbage service through a competitive bidding process. He urged the City Council to have a competitive bid for garbage service because they have not gone out for bid since 1988. Mr. Tymesen reported that the General Services Committee did not say they were not going out for a competitive bid. The Committee was looking at a single-stream recycling service and reviewing this cost with our current garbage hauler to see if they would be willing to open their current contract for single-stream recycling and what the cost would be. He noted that if the costs were not favorable for the City, the City always has the option to go out to bid.

RACE FOR THE CURE: Nancy Mueller, 921 Front Avenue, Coeur d'Alene Communication/ PR Chair for the Susan B. Koman Race for the Cure, announced Breast Cancer Awareness month is October but the events start in September and the Race for the Cure is in September. She also announced that September 19-27 is Paint the Town Pink and asked the five northern county businesses to decorate in pink. She noted that 75% of what is raised stays in the 5 northern counties of Idaho and the 25% goes to the national headquarters for research, so 100% of what is collected goes to the mission of eradicating breast cancer.

ALLEY ISSUE: Mary Comfort, 901 ½ N. 4th Street, requested assistance from the City for the alley behind her house as people are using it as a shortcut to get to Safeway and they are traveling at a high rate of speed for an alley. She added that there are also the issues of noise, theft and debris as well as several potholes in the alley. She requested that the City do what they can to help with this situation. Mayor Bloem referred her request to the Engineering Services Department.

NOISE DISTURBANCES IN THE FORT GROUNDS AREA: Karen Lawson, 333 Park Drive, Cd'A, a member of the Fort Ground Homeowners Association, voiced her concerns of the volume of the speaker system used by NIC as well as the noise from Parkside Bistro and the noise from the City Park Bandshell. She complimented the City for the choice of music generally played in the City Park and requested that those who are playing at the bandshell know the rules of the park and noise levels and the appropriateness of the music being played.

CITY PARK USE HOURS: Dan Gookin, 714 W. Empire, spoke in support of closing the parks during the night hours. Mark Faulkner, 207 Park Drive, also supports putting a curfew on all parks and especially City Park. Greg Wilkesett (sp), 215 Park Drive, is in favor of curfews in the park but would like to know what is the City Park and wanted to know if he could walk along the paths in the park if he is coming home. He also voiced his concern about the Police Department being able to enforce this law when they do not seem to be able to control the speed limit on Park Drive. Marlo Faulkner, 207 Park Drive, voiced her displeasure with an event that happened in the City Park last weekend and is in favor of closing the park at 10:00 p.m. as it will give the Police Department the authority to remove people who are abusing the park after hours. Joe Kunka, 932 E. Homestead Avenue, proposed that instead of placing a law on the general population that we go after the few that are abusing the parks. He noted that he would volunteer to do that.

ACCESS ONTO HANLEY AVENUE: Roger Swing, 6390 Sunrise Terrace, objected to the City placing curbing along Hanley Avenue where he pulls his trailer in and out of the rear of his property.

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

1. Approval of minutes for August 18, 2009.
2. Setting the General Services Committee and the Public Works Committee meetings for TUESDAY Sept. 8th at 2:30 p.m. and 4:00 p.m. respectively.
3. RESOLUTION 09-035: 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 EXTENSION OF THE AGREEMENT WITH LEGENDS PHOTOGRAPHY FOR YOUTH SPORTS PHOTOGRAPHY SERVICES; APPROVING CHANGE ORDER NO. 2 TO THE AGREEMENT WITH POLIN & YOUNG CONSTRUCTION, INC. FOR THE LANDINGS PARK, PHASE II; APPROVING AN INTERSTATE AGREEMENT WITH THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY FOR PHOSPHOROUS BIOAVAILABILITY STUDY; APPROVING AMENDMENT NO. 2 TO THE AGREEMENT WITH HDR ENGINEERING FOR THE WWTP PILOT STUDY AND APPROVING A MUTUAL AID

AND ASSISTANCE AGREEMENT FOR THE IDAHO INTRASTATE WATER / WASTEWATER AGENCY RESPONSE NETWORK (IDWARN); APPROVING A FUNDING AGREEMENT WITH HUD FOR CDBG-R ALLOCATION..

4. Authorizing a pre-qualification process for WWTP Improvements, Phase 5B.
5. Creating an Ad Hoc Committee for Natural and Open Space Park Areas.
6. Approve of beer/wine licenses for Studio 107, Fourth Street Pantry, and Garlic Jim's Famous Gourmet Pizza.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN GOODLANDER: Councilman Goodlander said she had attended the fundraiser for the Community Garden and that this is a garden farmed by individual citizens who pay a small fee to raise their food and also donate a portion of their crops to the food bank.. She believes that this is a great example for our community to have neighborhoods get together and develop the same type of gardens on some of the empty, unkempt lots in the various neighborhoods.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel announced that the Coeur d'Alene Parks Department is looking for volunteers to help with the planting of the trees at the Landings Park on September 8th, 9th and 10th. The planting will be done in the evening(s) from 4:30 to 7:00 pm. The volunteers are asked to gather at the parking lot at the Landings with appropriate clothing and shoes, gloves, and shovels. Refreshments will be provided. Mrs. Gabriel reported that there will be a birthday celebration at the library on Saturday, Sept. 12, at 11 a.m. for Mudgie and Millie with a gigantic group reading of the book, a costume event, a cake, and other activities. September is also National Library Card Sign-Up Month. Add a library card to your back to school list. Coeur d'Alene shares a library card and circulation services with 20 other libraries in North Idaho and eastern Washington in the Cooperative Information Network. If you already have a card from a member library, it's good for Coeur d'Alene. And of course, cards are free. If you have fines and so are reluctant to visit the library, Coeur d'Alene kids can visit their school library to obtain a "Kids Get Out of Fines Free" card. Present the card at the Coeur d'Alene Public Library and overdue fines will be erased. The card can also be used by kids to replace lost cards without paying the usual replacement cost of \$1. She also noted that the Idaho Department of Transportation will be doing road work at the intersection of US 95 and Ironwood starting on August 31st to Sept. 3rd from 7:00 p.m. to 5:00 a.m. September 4th, 7:00 p.m. to Midnight. During this time, barricades will be placed at the intersection preventing through traffic on Ironwood. The far right lane heading south from the I-90 off-ramp will be open for access to the hospital. Traffic leaving the hospital will need to follow Ironwood to Northwest Boulevard during paving operations. (Use W. Emma). City residential customers who live in their home are invited to take the "Landscaping with Native Plants" class at NIC this fall and receive a utility bill credit for the cost of the class and the optional workbook. 2 sessions starting October 13, 2009 and October 20, 2009, Tuesday, 6:30 PM - 8:30 PM The cost for the class is \$23.00. Native plants are increasingly used for gardening and landscaping. Once established, they seldom need watering, mulching, protection from frost, or continuous mowing. They provide

natural beauty, cost-effective landscaping alternatives, environmental services, and habitat for wildlife. The City of Coeur d'Alene and School District 271 have partnered and installed at Woodland Middle School a water conservation system which keeps water usage down and helps the city reduce the summer peak demand for water. It is a classic win-win situation. The system regulates the sprinklers based on ground moisture and can be enhanced to allow monitoring and control from their maintenance office. Specialized Needs Recreation has received a Quality of Life grant for \$4,200.00 from the Christopher & Dana Reeve Foundation. The award was one of 86 grants totaling almost \$500,000.00 awarded by the Reeve Foundation to non-profit organizations nationwide that help people living with paralysis become more integrated members of society. Since inception of the program in 1999, nearly 1,600 grants have been awarded, totaling almost \$13 million. Specialized Needs Recreation believes that every individual can live a joyful, active and fulfilling life provided the opportunity. It organizes and champions these opportunities for individuals with special needs in this community. For further information on SNR, please contact Angie Goucher at 755-6781 or visit the SNR website at www.snr.bz. About 1,000 motorcycles will be in town this Thursday through Saturday.

RESOLUTION 09-036

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A SERVICES AGREEMENT WITH TERESA McHUGH FOR CREATION AND INSTALLATION OF PUBLIC ART FOR THE SOUTHWEST CORNER OF SHERMAN AVE. AND CD'A LAKE BLVD.

Councilman Kennedy noted that he was on the review committee which selected the final four pieces of artwork that went to a public votes. Steve Anthony, Arts Commission liaison, displayed the maquette of the artwork that had been selected for the east end of Sherman by the Arts Commission. Artist Teresa McHugh noted that the final piece of artwork will be 18' tall

Councilman McEvers asked about the maintenance of this piece of artwork. Teresa McHugh noted that the artwork will be treated with a patina but some portions of the artwork will need to be waxed each year; however, the artwork will have a 10-year warranty. Councilman Goodlander also noted that the Arts Commission does have a maintenance budget for all public artwork. Mrs. McHugh thanked the Council and expressed her appreciation for the process and the award. Mayor Bloem also noted that Mrs. McHugh's artwork is on display on the KMC Parkade and in the Federal Building.

Motion by Goodlander, seconded by Edinger to adopt Resolution 09-036.

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

ESTABLISHING PARKS HOURS OF USE: Parks Director Doug Eastwood reported that currently and historically our parks are not regulated for hours of use which makes them open 24/7. We have implemented park use hours at some specific sites. For example the following

locations are closed during these hours; Fort Sherman Playground – One hour after sunset to 8:00 a.m.; Forest Cemetery – 10:00 p.m. to 7:00 a.m.; Jewett House Beach - 10:00 p.m. to 6:00 a.m. Over the past several years the City has experienced an increase in park vandalism and a lot of this is occurring after the park facilities are closed. The Parks Department currently locks all park restroom buildings by 10:00 p.m. every night. Regulating park hours is being recommended due to the increasing vandalism and activities in the park late at night. Several residents in the community will call the Police Department to let them know of noise or activities in the parks beyond a reasonable hour for people to be in the park. Regulating park hours will allow the Police to inform people in the park after hours that they cannot be there, or cite them if necessary. He also noted that the Police Department is recommending the hours be consistent between the parks in order to reduce confusion when patrolling the different parks.

DISCUSSION: Councilman Goodlander asked about using the Centennial Trail that goes through City Park. Mr. Eastwood responded that several trails go through various parks and people using those for exercise or in transit after park closures will not be prohibited from using the trails. Councilman Bruning asked what the cost of the vandalism in city parks has been. Mr. Eastwood responded that this year alone the City has had \$14,000 in vandalism repairs. Councilman McEvers asked if the proposed parks closure included Riverstone Park and all neighborhood parks. Mr. Eastwood responded that the proposed closure times do include all parks and added that he did a survey of the neighborhood residents around the various parks who responded that they are in favor of closing the parks at night. Councilman Kennedy asked how the Parks and Recreation Commission reached the conclusion that 10:00 p.m. hour as a closure time may be too early so the recommendation is 11:00 p.m. Police Department Steve Childers reported on the different situations that the Police Department deals with in the parks at night which are not covered by current codes. He explained that having a consistent curfew time makes it easier for the Police Department to enforce. Councilman Kennedy asked what approach the Police will be taking to enforce the code. Captain Childers responded that the first contact will most likely be to inform the citizens that the parks are closed. Councilman Edinger voiced his opposition to closing certain public parks such as City Park, McEuen Field, Tubbs Hill, and Memorial Field but does agree to have neighborhood parks closed as he does not believe the City has the resources to enforce the closures. Councilman Goodlander asked about a recent incident on Tubbs Hill. Captain Childers reported that there was a fire on Tubbs Hill that was a bonfire started on the hill but there are also camp sites on Tubbs Hill and more and more transients, drugs, and graffiti occurring on Tubbs Hill. Councilman Bruning noted that the Police Department had received over 100 calls for service in 2007 and 172 in 2008 for Tubbs Hill. Mr. Eastwood added that City Park had 83 calls for service in 2007 and 334 in 2008. Councilman Edinger reiterated his objection to Tubbs Hill. Councilman Bruning noted that Scott Reed had sent a letter in support of placing a curfew on Tubbs Hill.

MOTION: Motion by Bruning, seconded by Hassell to approve the establishment of closure hours of use from 11:00 p.m. to 6:00 a.m. for city parks.

DISCUSSION: Councilman Goodlander voiced her concern that traveling through parks in transit after hours would not be in violation of the law. Councilman Bruning noted that the proposed language does provide for people in transit through the parks during after hours. Councilman

Hassell sees this as a tool for the Police to use discretion to help prevent vandalism in the City parks.

Motion carried with Edinger voting no.

AMENDING THE VALUE TO TRIGGER SIDEWALK REPAIRS FOR PERMITS:

Councilman Hassell explained that sidewalk construction is required when building structures are constructed on or moved to or alterations are made to existing structures on lots within the city where there are no sidewalks. This ordinance exempts from these requirements permitted work where the building permit is for an amount less than fifteen thousand dollars (\$15,000.00), or the value of a structure moved onto the lot together with the amount for which the building permit is issued is less than fifteen thousand dollars (\$15,000.00).

The \$15,000 trigger value was created with the ordinance update in 1987. Periodically, staff receives complaints that the \$15,000.00 value should be raised to reflect inflation. If adjusted to the current value, \$15,000.000 in 1987 dollars would represent about \$28,000 today.

DISCUSSION: Councilman Kennedy commented the feedback that he has received that this is necessary to make sure sidewalks are brought into ADA compliance. Councilman Goodlander believes that this creates an extra burden for business owners. Additionally, if someone replaces a bathroom that could be \$10,000 and if they repair/replace two bathrooms it could cost \$20,000 which would require them to replace their sidewalks. She also commented that when she remodeled a building this past year this requirement was triggered and she had to replace her driveways and sidewalks to comply with ADA standards that were a substantial added cost to her project. Councilman Hassell believes that there should be a threshold but maybe not \$28,000. Ed Wagner, Building Services Director, reported that since it is currently at \$15,000 and if someone came in with a remodel it would trigger requiring the replacement of their sidewalks for ADA compliance. Gordon Dobler, Engineering Services Director, reported a that of the 2,700 permits that were pulled 1/3 of them were less than \$15,000 valuation, and noted that if the range was \$40,000 value for triggering the sidewalk replacement it would mean about 10% of the permits would require sidewalk repair. Councilman McEvers believes that requiring sidewalk repairs as part of a home reroofing project just does not seem logical to him. Councilman Hassell believes that raising the threshold keeps the cost of materials and labor in line with inflation.

MOTION: Motion by Goodlander, seconded by Hassell to approve the proposed amendments to the value to trigger sidewalk repairs for permits in the amount of \$40,000.

DISCUSSION: Councilman Goodlander believes that we already have sidewalk repair requirements and the proposed amount of \$40,000 in building permit valuation is a workable threshold for triggering sidewalk repairs. Councilman Kennedy believes that this mechanism at the current threshold promotes a viable walking community on safe sidewalks

VOTE: Motion failed.

MOTION: Motion by McEvers, seconded by Goodlander to approve the threshold for triggering sidewalk repairs through building permits to be set at \$30,000.00.

VOTE: Motion carried with the Mayor voting in favor of the motion..

RECESS: Mayor Bloem called for a recess at 7:50 p.m. The meeting reconvened at 8:00 p.m.

ACCESS ON HANLEY AVENUE AT 6390 SUNRISE TERRACE: City Engineer Gordon Dobler explained that Mr. Roger Swing would like to continue to have access onto Hanley Avenue from his property at 6390 Sunrise Terrace. Mr. Dobler noted that there are three existing unimproved secondary accesses along Hanley Avenue and the Hanley project will entail the placement of curbing. It is his intent to eliminate all three of the accesses if possible and noted that more access means more traffic accidents. He explained that the city is widening Hanley to 45 feet in that area and putting in curb but there will not be any sidewalks along the south side of Hanley. He further noted that the City has received requests in the past and have refused them. He noted that the three accesses on Hanley Avenue all have access to their property from their frontages and, as a result, Mr. Dobler denied Mr. Swing's request. Councilman Hassell noted that on every major street project the City has tried to eliminate extra accesses when additional access is available to property owners.

DISCUSSION: Councilman Goodlander asked Mr. Swing if he believes the grade difference would make it difficult for him to build and access on the south side of his home. Mr. Swing presented photos of the grade along the south side of his property line. He commented that although he owns the lot to the south of his home, he would not like to put the driveway on that lot as he is selling that lot to purchase a shop on his home's property.

MOTION: Motion by Hassell, seconded by Edinger to deny the request of Roger Swing for access from his property at 6390 Sunrise Terrace onto Hanley Avenue but to provide him the option to access Sunrise Terrace along the north side of his home. Motion carried with McEvers and Goodlander voting no.

PUBLIC HEARING – ANNUAL APPROPRIATIONS FOR FISCAL YEAR 2009-2010: Mayor Bloem read the rules of order for this public hearing. She noted that although there have been public comments made that the Council has already made a decision on the budget, that is not correct and tonight is the hearing for the Council to decide on a budget with a 0% increase up to a 2% increase. Troy Tymesen, Finance Director, gave the staff report.

STAFF REPORT: Mr. Tymesen reported that this proposed financial plan being presented tonight was a 5-month process culminating in tonight's public hearing. He noted that the financial plan being presented decreases the General Fund Capital by 75% and the General Fund Services/Supplies decreases by 14%. There are 6 positions that are not being funded this year. He noted that there are three employee groups that were approved by the voters and currently have contracts in place with the City. He noted that the three groups have opened their contracts to not take a 3% COLA this year. Mr. Tymesen is recommending that the City take \$1.4 million in fund balance due to loss of revenue. He pointed out that through Federal grants and not funds from property taxes the City is able to add 4 police officers and 1 crime analyst. He is recommending that the City take the full construction roll valuation which is \$88,957,479 (compared to \$120,324,578 in 2008). He reported that state revenue to cities as well as permits

and interest income is also down. At the end of last year the City had a fund balance of \$3,814,803 which is down from previous years due to revenues being down. He explained that the property tax revenue at \$16,816,992 means that the levy rate would go up because the total valuations of properties in the City have gone down. He noted that over 10 years ago the levy rate for the City was over \$5.00 if the Council takes 0% it would be at \$4.91 and if they took 2% it would be at \$5.00. He explained that with the shift in homeowner's exemption a property owner could see a reduction in their property taxes if the Council took a 2% increase in the general fund budget. He presented a budget with a 2% increase; however, he noted that the Council has not made that decision yet. Mr. Tymesen presented a proposed 1% increase which would result in eliminating capital equipment and using the fund balance. The third option he presented was a 0% increase in which the City would need to eliminate all capital purchases, use of the fund balance, annexation fees and use of the ending fund balance.

DISCUSSION: Councilman Goodlander asked what Mr. Tymesen's prognosis for the future is. Mr. Tymesen responded that he believes the City will not be out of this recession next year. He noted that the City has been as conservative as possible and that the City had not increased personnel during the lucrative building boom of the past few years so the City is very lean on personnel currently. Councilman McEvers noted that in the last 10 years we have always taken the 3% increase except for 2006 and that he believes for the City to sustain their services it seems that the budget increases. He noted that in 1999 he was paying \$.73/per day for city services and today he is paying \$1.00/day and over 10 years an increase of 30 cents is not that bad. Councilman Kennedy recalled that the Council had asked staff to present a budget that would be sustainable for the City and that is what they presented tonight. He had talked with over 200 households and three different types of taxpayers responded, the rental owners are getting hit hard because of the non-owner occupied tax exemption shift, a homeowner on a fixed income and a retired individual who is doing okay but has a child who has become unemployed. After talking with residents, and talking with the Finance Director, he believes that we could make it by this year with a 0% increase and although it means just a difference of \$17.00 for a property owner, he believes that it is reasonable and responsible for the City to do. Councilman Goodlander asked about the Library fund. Mr. Tymesen reported that the Library does not cash flow as they do not take in enough funds in fines to sustain the expense of operating a library and so he had included a 2% increase in the Library budget to offset the cost.

PUBLIC COMMENTS: Kathleen Sayler, 102 E, Ash St., a member of the Library Board, noted that the Library has had a long standing struggle with the City for equity in salaries for Library budgets. She noted that by eventually raising the salaries of the Library staff it prevented a significant turnover in staff. She then explained when the Library went to the voters for funding for the new Library she objected to not having the full cost of the Library placed in the bond. She believes that these are examples that the Council is being extremely frugal with tax dollars and commends them for that.

Susan Snedaker, 821 Hastings, commented on various budget line items and questioned the amounts being allocated. She also commented that she believes that the Public Arts fund should be reduced in that there is \$300,000 being allocated for entertainment. She also believes that the franchise fees should be reduced because they were initiated for the Ramsey Road improvement

project which has now been completed. She questioned why the City does not allocate funds to purchase the School District's half of Persons Field.

Dan Gookin, 714 W. Empire Avenue, urged the Council to take a 0% increase in this coming year's budget and feels that would be a good move for the Council.

In response to Ms. Snedaker's comments, Mr. Tymesen noted that annexation fees show up on a balance sheet and not as part of the Fund Balance. In regard to Franchise fees, he responded that the State of Idaho decades ago provided for cities to collect franchise fees for use of public right-of-way which can be used for general funds purposes and the City has been collecting franchise fees since the State established this fee; however, the citizens elected, about 15 years ago, to use those fees for repayment of bonds for the Ramsey Road improvement project; however, this is a non-property tax revenue source for the City that helps offset the reduced revenue sources for the City. Councilman Hassell also noted that Northwest Blvd. project repayment was added to the use of the Franchise fees. Mr. Eastwood explained that 2006 was a banner year for parks revenues, leases, etc. then in 2008 the projects budgeted that year could not be done due to the downturn in the economy. The Landings Park funding is being used from the Parks Capital Improvement fund and not the Parks General fund. In regard to the Public Art Fund, that is a dedicated fund and is also used for maintenance of public art as well as acquisition of art and cannot be used for other purposes. In response to Ms. Snedaker's comment that \$300,000 was budgeted for entertainment in the Arts budget, Mr. Tymesen noted that it is only \$300.

MOTION: Motion by Kennedy, seconded by Edinger to approve a budget this coming fiscal year with a 0% increase in annual appropriations for 2009-2010.

DISCUSSION Councilmen Hassell and Edinger noted that although the budget will have a 0% increase this coming year, that if the economy doesn't improve then they will need to take a hard look at the budget in coming years. Councilman Bruning will vote for the 0% increase but does have a concern regarding eliminating all capital purchases and the decreasing fund balance. Councilman McEvers commented that in the 8 years he has been here the City has increased capital purchases and believes that one year of tough times means that we make equipment last longer. Mayor Bloem commented that she would support the 0% increase this year but cautioned that in the future City Councils may have to make up the short fall for this year.

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

ORDINANCE NO. 3366
COUNCIL BILL NO. 09-1018

AN ORDINANCE ENTITLED "THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009" APPROPRIATING THE SUM OF \$73,729,136 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF COEUR D'ALENE FOR SAID YEAR; LEVYING A SUFFICIENT TAX UPON THE TAXABLE PROPERTY WITHIN SAID CITY FOR GENERAL REVENUE PURPOSES FOR WHICH SUCH APPROPRIATION IS MADE; LEVYING SPECIAL TAXES UPON THE TAXABLE

PROPERTY WITH SAID CITY FOR SPECIAL REVENUE PURPOSES WITHIN THE LIMITS OF SAID CITY OF COEUR D'ALENE, IDAHO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Kennedy, seconded by Edinger to pass the first reading of Council Bill No 09-1018.

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

Motion by Edinger, seconded by Goodlander to suspend the rules and to adopt Council Bill No. 09-1018 by its having had one reading by title only.

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

PUBLIC HEARING – V-4-09 – VACATION OF A PORTION OF SORBONNE

ADDITION: Mayor Bloem reiterated the rules of order for a legislative public hearing. Gordon Dobler, Engineering Services Director, gave the staff report.

Mr. Dobler gave the applicant's name as Greenstone-Kootenai and the request is for vacation of undeveloped portions of the Sorbonne Addition subdivision including all of lots in Blocks 5 through 13, Tracts C through J, and Clairval Drive and Bermoulli Loop rights-of-way.

Mr. Dobler noted that the developer installed a portion of the infrastructure, subsequently bonded for the remainder and received final plat approved in September 2007. The bond that was installed to allow for the final plat to be recorded is coming due and would require the developer to install the balance of the remaining infrastructure and finish out the development. The entire northerly portion of the subdivision has gone undeveloped, and, due to changing housing market conditions, the developer would like to re-evaluate and reconfigure the site. Vacating the plat would facilitate this and allow the developer to start over at such time that conditions change. The public rights-of-way of Cornwall Drive and Sorbonne Street will not be vacated.

Mr. Dobler reported that 96 notices of this public hearing were mailed with 1 response being received and in favor of the vacation.

PUBLIC COMMENTS: Kevin Schneidmiller, 6552 Octivai Court, Post Falls, spoke on behalf of the applicant who noted that this request is due to the economic times.

MOTION: Motion by Edinger, seconded by Kennedy to approve the vacation of a portion of Sorbonne Addition. Motion carried.

RCA-4-09 – REQUEST FOR CONSIDERATION OF ANNEXATION – PRAIRIE TRAIL:

Senior Planner, John Stamosos presented a request from the City Parks Department to consider the annexation of an approximate 6.3 acre parcel containing the Prairie Trail adjacent to Riverstone Development between Seltice Way and the Spokane River.

He noted that the request would create a more uniform city boundary and would be a logical annexation as the city expands to the west. It is also important because it contains the newly built Prairie Trail, which is maintained by the City. Additionally, the proposed annexation would allow the City to implement the Trail Disturbance Ordinance and enable the Coeur d'Alene Police Department to enforce city laws on this portion of the trail.

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

COUNCIL MOTION: Motion by Goodlander, seconded by Hassell to authorize the applicant to proceed with the annexation process for RCA-4-09 (Prairie Trail). Motion carried.

EXECUTIVE SESSION: Motion by Goodlander, seconded by McEvers to enter into Executive Session as provided by I.C. 67-2345 SUBSECTION C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property, which is not owned by a public agency; and SUBSECTION F: To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel as executive session does not satisfy this requirement;

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

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

Matters discussed were those of personnel and litigation. No action was taken and the Council returned to the regular meeting at 10:20 p.m.

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

The meeting adjourned at 10:20 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk