

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

SEPTEMBER 17, 2019

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 17, 2019 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Woody McEvers)	Members of Council Present
Amy Evans)	
Loren Ron Edinger)	
Dan Gookin)	
Dan English)	
Kiki Miller)	

CALL TO ORDER: Mayor Widmyer called the meeting to order.

INVOCATION: Pastor Chris Lauri with Anthem Church provided the invocation.

PLEDGE OF ALLEGIANCE: Councilmember McEvers led the Pledge of Allegiance.

PUBLIC COMMENT:

Karen Hansen commented that she has attended many meetings, and one meeting was in regard to public input on Riverstone and the Atlas park and Lacrosse signal light. She asked the council what happened to the priority list. Mayor Widmyer responded that they are working through the priority list. Ms. Hansen said that, from what she understands, ignite did not agree with the list and changed it. Mayor Widmyer said that Mr. Tymesen would be happy to respond to any questions that Ms. Hansen has, and noted that they are following the priority list and are working through it. Ms. Hansen asked if council was working through the list in the order that the items were listed in priority. Mayor Widmyer said that Mr. Tymesen has the list and they are following it.

A male, who did not identify himself, asked how the City is responding to having someone injured in a wheelchair and not having the proper person in jail. Mayor Widmyer responded that concerns about the jail should be directed to the county. The unidentified male asked if the City has a plan for ensuring the safety of those who have been treated wrongly. Mayor Widmyer responded this is a time for public comment, and not a question and answer period, and that Mr. Tymesen can follow up with him.

FIRE DEPARTMENT LIFE SAVING AWARD TO SARAH HARWOOD, TYLER HARWOOD AND JEROME NELSON:

Deputy Fire Chief Tom Greif noted that an event occurred on September 16, 2018, in the Riverstone area, that involved a sudden cardiac arrest. Citizens Sarah Harwood, Tyler Harwood and Jerome Nelson came to the aid of Mr. Jim Hawkins, and Mr. Hawkins is here today thanks to their life saving CPR efforts. Deputy Fire Chief Greif emphasized the importance of CPR and people in the community learning how to perform it. He encouraged citizens who don't know CPR to please learn how to do it, and to take a family member or friend with them. Mr. Hawkins thanked Mr. and Mrs. Harwood, and Mr. Nelson for saving his life, and expressed his deepest thanks to Coeur d'Alene and noted that citizens are fortunate in Coeur d'Alene to have that kind of support. He commented that he was born and raised in Coeur d'Alene and also thanked the Fire Department and 9-1-1- folks.

PROCLAMATION – CONSTITUTION WEEK – SEPTEMBER 17 – 23, 2019:

Mayor Widmyer proclaimed the week of September 17 through 23, 2019 as Constitution Week. Human Rights Task Force President Christie Wood and community member Laura Tenneson accepted the Proclamation.

Ms. Tenneson thanked the city council and Mayor Widmyer for standing up on this important issue. She commented that she is a recent graduate of North Idaho College and has lived and worked in this area for ten years and is passionate about human rights. She noted that as a high schooler, she received mail from the Aryan Nations trying to recruit her and said that she will never let this beautiful place be overtaken by such hateful people again. She commented that she is concerned about racist actions she has seen in the community recently, so she approached the mayor with her concerns and he invited the Human Rights Task Force and Western States Center to the table. She believes it is important to address those actions while they still involve such a small faction of the community. Ms. Tenneson recognized the work done by the Human Rights Task Force and the city of Coeur d'Alene to drive the Aryan Nations out of the community and establish Coeur d'Alene as a promoter of human rights and equal treatment. She commented that we can choose to remain silent, or we can choose to stand up and fight.

Ms. Wood said that she was proud to accept the Proclamation commemorating the drafting of the U. S. Constitution, and noted that the Human Rights Task Force has enjoyed nearly 40 years of a great, strong relationship with the city of Coeur d'Alene. She commented that the community has lived through some trying times, and that they support the truth that all persons are created equal. Ms. Wood commented that it is very fitting for the city leaders to acknowledge the rights of people as guaranteed in the Constitution, and she looks forward to many more years of working with the city.

PROCLAMATION – ATAXIA AWARENESS DAY – SEPTEMBER 25, 2019:

Mayor Widmyer proclaimed September 25, 2019 as Ataxia Awareness Day in honor of Sarah Stuker, of Rathdrum, Idaho, whose daughter is afflicted with Ataxia.

COUNCIL COMMENTS:

Councilmember Miller reminded everyone to put on their calendars the Thursday, September 26th Kick-off event for Envision CDA, which is the start of the outreach for the comprehensive

planning process. The event will be held beginning at 5:30 p.m., at the Innovation Den, 418 Lakeside Avenue. For more information, visit envisioncda.org.

Councilmember Evans invited everyone to East Sherman on Friday evening, September 20th, from 4 – 9 p.m., for the annual PARK(ing) it on Sherman block party, which will feature live music, food trucks, a beer garden, and lawn games. She noted that it is a great community event and citizens can learn more about it on eastsherman.org.

Councilmember McEvers wished Mayor Widmyer a Happy Birthday.

Mayor Widmyer requested the appointment of Ann Smart to the Library Board.

MOTION: Motion by Edinger, seconded by Evans to appoint Ann Smart to the Library Board. Motion carried.

CONSENT CALENDAR: Motion by McEvers, seconded by Gookin, to approve the Consent Calendar.

1. Approval of Council Minutes for the September 3, 2019 Council Meeting.
2. Approval of Bills as Submitted.
3. Approval of Financial Report.
4. Setting of General Services and Public Works Committees meetings for Monday, September 23, 2019 at 12:00 noon and 4:00 p.m. respectively.
5. Resolution No. 19-042 - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING BENEFIT PLAN CHANGES AND RENEWAL RATES EFFECTIVE OCTOBER 1, 2019. THESE CHANGES AND RENEWALS INCLUDE REGENCE BLUESHIELD OF IDAHO, BLUE CROSS DENTAL, DENTAL BLUE CONNECT (WILLAMETTE), PEAK1 (FLEXIBLE SPENDING ACCOUNT), AFLAC, AND A NEWLY OFFERED DENTAL PLAN WITH NORTHWEST DENTAL BENEFITS, LLC. OTHER CITY BENEFITS SUCH AS UNITED HERITAGE LIFE & LONG-TERM DISABILITY, GALLAGHER BENEFITS HRA/VEBA SERVICE GROUP, AND RELIANT BEHAVIORAL HEALTH HAVE NO CHANGES.

ROLL CALL: Miller Aye; English Aye; Edinger Aye; Evans Aye; McEvers Aye; Gookin Aye. Motion carried.

RESOLUTION NO. 19-043

A RESOLUTION OF THE CITY OF COEUR D'ALENE, IDAHO, DECLARING THAT AN EMERGENCY EXISTS, AND THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE IMMEDIATE EXPENDITURE OF PUBLIC MONEY TO REPAIR THE HOT WATER LOOP SYSTEM AT THE WASTEWATER TREATMENT PLANT IN ORDER TO SAFEGUARD LIFE, HEALTH, AND PROPERTY, AND AUTHORIZING THE EXPENDITURE OF PUBLIC FUNDS WITHOUT COMPLIANCE WITH FORMAL BIDDING PROCEDURES.

STAFF REPORT: Wastewater Capital Programs Manager Mike Becker explained that the Wastewater Treatment Plant's Hot Water Loop (HWL) System is a closed loop 2-pipe system that recirculates 140 -160 deg F water from a series of gas boilers to heat exchangers located in the Plant Digesters, the Collections Maintenance Shop, and the Wastewater Administration Building. The water in this loop is heated with gas produced with the digesters and supplemented by natural gas in colder temperatures. Completed in 2010, the HWL system is responsible for continuously maintaining digester sludge temperatures that optimize treatment efficiencies during the Plant's sludge digestion process. It also provides hot water to the Collection Shop and Administration Building heat exchangers. This is the only heat source for these buildings. Last summer, WW staff became aware of a significant increase in water demand within the system and discovered several leaks in the steel pipes to and from the Collection Shop and Administration Building. They had no leaks outside of the underground pipes. HDR Engineering was hired to complete a Corrosion Investigation and their findings determined the corrosion damage was likely the result of a number of factors. After the report, they did a pressure test and additional leaks were detected in the system. Mr. Becker noted that corrosion is occurring from the outside of the pipe working inward. Based on this information, it was determined that the existing HWL system is unsalvageable.

Mr. Becker said that, with the colder temperatures rapidly approaching, staff began looking into options and concluded that best solution would abandoning the system and installing a new pipe system. Staff determined that abandoning the existing underground HWL system in-place and laying two (2) new insulated Polypropylene pipes adjacent to the existing system is the most timely, economical, and permanent solution. This option will function similarly to the existing system and will not require modifications to the remaining HWL system. The Polypropylene option is a seamless pipe that offers inert material properties, is corrosion resistant, and can handle the high temperatures and pressures. It is a specialized pipe that is readily available in Texas and Southeast, but will take several weeks to deliver to the plant. The material required to insulate the new pipe is 4 weeks out. Mr. Becker said that this is not the only option and they have looked at replacing pipe with steel pipe that is also insulated. Mr. Becker noted that Big Sky, Inc., a local contractor already under contract with the Wastewater Department (for the Fernan Pump Station Retrofit) is readily available for the construction, equipment, and labor required, and the Wastewater utility would provide project management and oversight on the project. He clarified that this is an unforeseen and unique circumstance for which the Department did not plan or budget, but noted that the Wastewater Department has funds available for the project under the Capital Replacement Fund Account. That fund was dedicated to start building up monies for unforeseen conditions as well as other capital program projects. Preliminary project estimates for the abandonment and replacement of the existing underground HWL system range \$225,000 to \$250,000. Mr. Becker noted that if they were to go out for a formal bidding process, it would probably take 60 days, which would place construction in November and December, not including order time, and they would need heat before then. He explained that there is a provision in Idaho Code 67-2808 that provides for the immediate expenditure of public funds. Wastewater has consulted with the Legal and Finance departments and the Legal Department concurs that the circumstances do constitute an emergency under the statute. Mr. Becker asked for authorization of the emergency expenditure and a finding that it is in the public's interest and a necessity to the deviate from standard procurement requirements.

DISCUSSION: Councilmember McEvers asked about the system only lasting nine years. Mr. Becker said that when it was installed, it was standard practice and many other facilities have the same scenario, so he is sure they will be addressing similar situations. He noted that there were a number of factors involved, and they had almost a “perfect storm” that led up to the corrosion of the pipe. Mr. Becker said that there are methods of protection available that would minimize corrosion of steel pipe, and they could probably spend months trying to find out how the water got there. He commented that they are looking at changing the insulation also, depending on the availability of pipe materials and what pipe they ultimately use.

Councilmember Gookin asked, moving forward, what are the odds of it happening again, and if there is a guarantee. Mr. Becker responded that it will be hard to demonstrate that anything might have triggered it and if it was a warranty-related issue as it was standard practice. He noted that they are aware of something similar happening within Boise’s wastewater treatment facility. He also reminded council that their lab facility is in the Administration building and they need a controlled environment for their lab tests. If they remove the heat source, they have to introduce another heat source that could possibly influence the lab results. They are looking at it from a proactive standpoint and Mr. Becker commented that he is trying to do his best to avoid a future situation by removing the corrosive environment.

MOTION: Motion by McEvers, seconded by Gookin, to approve **Resolution No. 19-043;** Declaring an emergency and finding that the public interest and necessity requires that the City depart from the standard procurement requirements, and Council should authorize Wastewater to immediately order materials and hire a contractor for the emergency work to repair of the Wastewater Treatment Plant’s Hot Water Loop System.

DISCUSSION: Councilmember Gookin commented that he met with Mr. Becker yesterday and they discussed the request. He said that he thinks Mr. Becker raised the bar and was very thorough, and that he knows Mr. Becker is a “quality nut” and he appreciates that. Councilmember Miller said that she thinks that part of their concern is that this doesn’t happen again. She commented that she hopes that during the repair process they can do some exploration on what the cause and sources were.

Mr. Becker explained that it is a “quasi-green” technology in that they are able to capture some of the gas that would be burned off.

ROLL CALL: English Aye; Edinger Aye; Evans Aye; McEvers Aye; Gookin Aye; Miller Aye.
Motion carried.

COUNCIL BILL NO. 19-1015

AN ORDINANCE AMENDING ORDINANCE 3618, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 APPROPRIATING THE SUM OF ~~\$90,685,504~~ \$95,597,311, WHICH SUM INCLUDES ADDITIONAL MONIES RECEIVED BY THE CITY OF COEUR D'ALENE IN THE SUM OF \$4,911,807; 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.

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene, Kootenai County, Idaho:

That Section 1 of Ordinance 3618, Ordinance of the City of Coeur d'Alene, be and the same is hereby amended to read as follows:

That the sum of ~~\$90,685,504~~ \$95,597,311, be and the same is hereby appropriated to defray the necessary expenses and liabilities of the City of Coeur d'Alene, Kootenai County, Idaho, for the fiscal year beginning October 1, 2018.

That Section 2 of Ordinance 3618; Ordinances of the City of Coeur d'Alene be and the same is hereby amended to read as follows:

That the objects and purposes for which such appropriations are made are as follows:

GENERAL FUND EXPENDITURES:

Mayor and Council	\$264,838	
Administration	320,169	
Finance Department	1,182,771	
Municipal Services	1,881,130	
Human Resources	387,110	
Legal Department	1,231,937	1,264,125
Planning Department	727,982	
Building Maintenance	552,832	
Police Department	14,557,464	14,753,084
Drug Task Force	100,000	

Police Department Grants	115,292	208,293
Fire Department	10,047,296	10,150,364
General Government	86,850	535,795
Streets / Engineering	4,926,544	5,736,463
Parks Department	2,301,573	
Recreation Department	762,423	769,358
Building Inspection	960,120	979,120
TOTAL GENERAL FUND EXPENDITURES:	<u>\$40,406,331</u>	<u>42,115,007</u>
SPECIAL REVENUE FUND EXPENDITURES:		
Library Fund	\$1,724,388	1,738,388
Community Development Block Grant	408,854	
Impact Fee Fund	521,500	
Parks Capital Improvements	131,500	1,804,500
Annexation Fee Fund	286,000	
Cemetery Fund	389,955	
Cemetery Perpetual Care Fund	207,000	
Jewett House	30,955	
Reforestation/Street Trees/Community Canopy	110,000	
Public Art Funds	348,500	
TOTAL SPECIAL FUNDS:	<u>\$4,158,652</u>	<u>\$5,845,652</u>
ENTERPRISE FUND EXPENDITURES:		
Street Lighting Fund	\$650,050	699,450
Water Fund	12,197,334	
Wastewater Fund	19,759,659	
Water Cap Fee Fund	1,700,000	
WWTP Cap Fees Fund	1,000,000	
Sanitation Fund	4,154,083	4,239,083
City Parking Fund	289,880	757,980
Drainage Fund	1,799,624	
TOTAL ENTERPRISE EXPENDITURES:	<u>\$41,550,630</u>	<u>\$42,153,130</u>
FIDUCIARY FUNDS:	\$2,961,960	
STREET CAPITAL PROJECTS FUNDS:	731,000	1,644,631
DEBT SERVICE FUNDS:	876,931	
GRAND TOTAL OF ALL EXPENDITURES:	<u>\$90,685,504</u>	<u>\$95,597,311</u>

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation published within the City of Coeur d'Alene and the official newspaper thereof.

STAFF REPORT: Comptroller Vonnie Jensen presented the budget amendments for fiscal year 2018-2019, noting that 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 expenditures of funds that were unanticipated when the ordinance was adopted. The City each year adopts an amendment or amendments to the appropriation's ordinance. Unanticipated expenses are being funded by 3 categories: Unanticipated revenues, assigned fund balance, and unassigned fund balance. Assigned fund balance is being used for project carryovers that were budgeted in the previous year, which account for \$168,000 of the General Fund amendment. Unassigned fund balance is being used for \$375,524 of the General Fund Amendment, and the remaining \$1,176,521 is being funded by unanticipated revenues. This fiscal year unanticipated revenues were mostly generated by revenues the city receives from the state, which would include gas tax, sales tax, and liquor. Interest earnings were also higher than anticipated, and the amendment include \$607,000 of revenue from proceeds for capital leasing. The proceeds for capital leasing are for loaders that the Street Department is leasing. Increased expenses in the General Fund include various grants for the fire and police departments, separation payouts for accrued vacation and sick leave, project carryovers, the purchase of the East Sherman property, some transfers to Street Lighting, the Atlas Waterfront project, police department call out availability pay, legal claims, etc. Increased expenses in other funds include grants, street relighting with LIDs, Atlas Waterfront project, street projects, and project carryovers. There are also some parking garage expenses, a trail realignment, and some carryovers for the Memorial skateboard park, and the Memorial Park Grandstand project.

Vonnie explained the history of the city's unassigned fund balance and the projections going forward for the end of Fiscal Year 2019 and Fiscal Year 2020. The Government Finance Officers Association (GFOA) uses anticipated revenues and/or expenses as a benchmark for projecting if an organization has adequate reserves. The GFOA benchmark is 16.7% or two months of the fiscal year's total revenues being in reserve. The city's average for the prior eight years was 20.53%. Barring any major, unforeseen expenses, the city should be able to maintain a reserve of above 15% through Fiscal Year 2020.

PUBLIC COMMENTS: The mayor opened the meeting for public testimony. There was none.

Public testimony was closed.

MOTION: Motion by Gookin, seconded by English, to dispense with the rule and read **Council Bill No. 19-1015** once by title only.

ROLL CALL: McEvers Aye; Gookin Aye; English Aye; Edinger Aye; Evans Aye; Miller Aye.
Motion carried.

MOTION: Motion by Gookin, seconded by McEvers, to adopt **Council Bill 19-1015**.

ROLL CALL: McEvers Aye; Gookin Aye; English Aye; Edinger Aye; Evans Aye; Miller Aye.
Motion carried.

LEGISLATIVE HEARING: A-4-19 A PROPOSED 0.84-ACRE ANNEXATION FROM COUNTY AG. SUBURBAN TO R-3 ZONING DISTRICT BY APPLICANT T.J. ROSS; LOCATION: 1905 E. NETTLETON GULCH

STAFF REPORT: Associate Planner Tami Stroud explained that the applicant ATS Incorporated, representing T.J. Ross, the owner, is requesting annexation of .84 acres zoned from County AG Suburban to City R-3 (Residential 3 units/acre) zoning on the property located at 1905 E. Nettleton Gulch. Ms. Stroud noted that the reasons for the request are to allow the applicant to hook up to the city's sewer system. She noted that R-3 is intended as a low-density residential district consisting of detached single-family dwellings within the city limits 3 dwelling units per gross acre. Ms. Stroud noted that there are four findings required for this annexation as follows: that the request is or is not in conformance with the Comprehensive Plan policies; that public facilities and utilities are or are not available and adequate for the proposed use (she noted that stormwater will be addressed as the annexation develops and the applicant will be required to submit a landscape plan for approval to prevent double access); that the physical characteristics of the site do or do not make it an acceptable request at this time; and that the proposal would or would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character and/or existing land uses. She presented the surrounding zoning, land uses, and applicable Comprehensive Plan objectives and provided staff input regarding the finding categories including traffic.

DISCUSSION: Councilmember McEvers asked if the applicant has water rights on a well. Ms. Stroud said that the question would need to be directed to the applicant's representative. Councilmember McEvers asked about the requirement to eliminate two frontages. Ms. Stroud said that the city's municipal code does not allow frontages on two opposite boundaries. As a result, the applicant would have to provide a 10 foot-wide planting strip to prohibit secondary access, and that the applicant is aware of the requirement.

Councilmember Gookin said that it looks like the applicant doesn't have any access on the north side of the property and that there are trees there already. Ms. Stroud responded that they do have a gate on Satre Avenue (north side) and they would require a landscape plan and plantings to prohibit secondary access there.

APPLICANT: Tiffany Espe of ATS, Incorporation, 9177 Hess Street, Hayden, said that the applicant is already on city water and the main request is to be on the city sewer so that the applicant will have all the services with the city. He also intends to improve the existing shop to create in-law quarters for his parents because the current county regulations do not permit it.

Councilmember Gookin asked if the applicant is on a septic tank. Ms. Espe confirmed that he is, and acknowledged that the applicant understands that he will be required to get rid of it.

PUBLIC COMMENTS: The Mayor opened the meeting for public testimony. The Clerk swore in those that gave testimony.

Emma Rosenthal, 1824 Nettleton Gulch Road, commented that up the street there are some cluster houses that always turn around in front of their house, which is really annoying, and her mom doesn't want any more traffic.

APPLICANT REBUTTAL: Councilmember Gookin asked if there were any plans to split or sub-plot to add more houses. Ms. Espe said that it is not the intention of the property owner to subdivide the property.

Public testimony closed.

MOTION: Motion by McEvers, seconded by Miller, to approve A-4-19, A proposed 0.84-acre annexation from County Ag. Suburban to R-3 zoning district by applicant T.J. Ross; Location: 1905 E. Nettleton Gulch, to direct staff to negotiate an annexation agreement, and to develop the necessary Findings and Order.

DISCUSSION: Councilmember Gookin commented that there was a note in their packet that said that if that if there is an increase beyond the R-3 density, the Wastewater plant would require some modeling to handle the capacity, so he doesn't think there is going to be any increase in density or traffic.

ROLL CALL: Gookin Aye; English Aye; Edinger Aye; Evans Aye; Miller Aye; McEvers Aye.
Motion carried.

ADJOURNMENT: Motion by McEvers, seconded by Miller, that there being no other business this meeting be adjourned. **Motion carried.**

The meeting adjourned at 7:01 p.m.

Steve Widmyer, Mayor

ATTEST:

Amy Ferguson, Deputy City Clerk