

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

March 7, 2017

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 March 7, 2017 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

Amy Evans) Member of Council Absent

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

INVOCATION: Pastor Sean McCartin with Life Center CDA provided the invocation.

PLEDGE OF ALLEGIANCE: Councilmember McEvers led the pledge of allegiance.

STATE OF THE SCHOOL – DISTRICT 271 PRESENTATION: School District 271 Superintendent Matt Handelman provided information regarding the reading indicator proficiencies for grades kindergarten through third grade, which demonstrated that Coeur d'Alene is in the 80th percentile. Graduation rates are comparable to other schools within the region and throughout the state. He noted that next Tuesday there will be a levy and a bond on the ballot. The Idaho Law requires approval of maintenance and operation levies every two years, and construction bonds are not funded through the state, so it requires local bonds be approved. Superintendent Handelman clarified that Coeur d'Alene's school district tax rate of \$2.31 per \$1,000 in property value, the second lowest in the state. The rate would stay the same if the levy were approved next Tuesday. He provided information about the current levy and noted that it is 22% of the operating budget for the District. Mr. Handelman noted that the bond would provide for a new elementary school in the northwest section of the district, replace portables at the high schools, and purchase new buses. He encouraged community members to vote on March 14, 2017. Councilmember McEvers asked if the lottery funds would cover construction and capital costs. Mr. Handelman explained that the lottery funds only cover maintenance costs and those funds do not cover all the needed maintenance expenses. Councilmember Edinger asked when the polls would be open. Mr. Handelman noted that polls would be open from 8:00 a.m. to 8:00 p.m. and one can contact the School District or County to find their polling place location. Councilmember Edinger asked about the reasoning behind the three-point harness safety belts being added to the new buses. Mr. Handelman explained that

older buses do not have safety belts. The administration determined that the new buses will include the three point harnesses for increased safety and that they will retrofit six of the most recently purchased buses with the safety belts as well.

PROCLAMATION OF MARCH 2017 AS AMERICAN RED CROSS MONTH – Mayor Widmyer proclaimed March 2017 as American Red Cross Month. He encouraged the community to get involved and provide support to the Inland Northwest Chapter of the American Red Cross.

PRESENTATION REGARDING THE IDAHO ENERGY CODE COLLABORATIVE – OCTOBER 1, 2017 START DATE: Idaho Energy Circuit Rider representative David Freelove explained that the mission of the collaborative is to facilitate energy code implementation through education, outreach, and technical assistance. He reviewed the history of the energy code adoption, beginning in 1992 with the most recent version adopted in 2012. Since the adoption of that version, there has been a requirement for the mechanical code calculations. Portions of the code relating to air balancing will be verified after October 1, 2017. Mr. Freelove noted that code and its enforcement is supported by Idaho Association of Building Officials (IDABO) and has been a requirement for 8 years. In order to help contractors, he will provide up to 25-air balance certifications at no charge, which would normally cost \$100.00 each. Average costs of a third party contractor to perform the air balancing would be \$125.00 to \$225.00 per home, which can be done by the main contractor once they are certified. Councilmember Gookin asked if air balancing and loads to each room are about adjustments to the vents. Mr. Freelove explained that the dampers would be adjusted according to the load for each room, which provides the appropriate amount of air to each room for heating and cooling. He also clarified that the rules only apply to new construction. Councilmember McEvers asked if this regulation was about saving money and providing efficiencies. Mr. Freelove clarified that older homes which are not designed for the load of the home could result in 50% smaller equipment being placed in the home, which would be a cost savings.

CONSENT CALENDAR: Motion by McEvers, second by Miller to approve the consent calendar.

1. Approval of Council Minutes for the February 21, 2017 Council Meeting.
2. Approval of Bills as Submitted.
3. Approval of the Public Works and General Services Committee Meeting Minutes from the meeting held on February 27, 2017.
4. Setting of General Services and Public Works Committees meetings for March 13, 2017 at 12:00 noon and 4:00 p.m. respectively.
5. Approval of a Beer and Wine License transfer of ownership from Alley Cat, LLC. to Scott Gittel for Strada; located at 1830 N. 3rd Street.
6. Approval of Cemetery lot transfers as follows:
 - a. From Don E. Weitz to Lari Carol Percy, Lot 10, Block 57, Section C, Forest Cemetery
 - b. From Ronald and Ardelle Holmquist to Rhonda Esco, Lots 5,6,15, Block 68, Section C, Forest Cemetery
 - c. From Ronald and Ardelle Holmquist to Karen Groce, Lots 1,2,10, Block 68, Section C, Forest Cemetery

- d. From Ronald and Ardelle Holmquist to Ronald Holmquist, Lots 12,13,14, Block 68, Section C, Forest Cemetery
7. Approval of Cemetery lot repurchases as follows:
 - a. From Shawnda Hoops, Lot 50, Block E, Section RIV, Forest Cemetery
 - b. From Charlene Nelson, Lot 136, Block C, RIV, Forest Cemetery Annex
8. Approval of Final Plat for SS-7-16c, The Ave Condominiums
9. **RESOLUTION NO. 17-013-** 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 AN AMENDMENT TO PERSONNEL RULE V COMPENSATION, SECTION 6 PAY PERIODS, TO TRANSITION THE CURRENT MONTHLY PAY DAYS FROM THE 6TH AND 21ST TO THE 7TH AND 22ND OF EACH MONTH; APPROVING THE DESTRUCTION OF PUBLIC RECORDS WITHIN THE MUNICIPAL SERVICES, HUMAN RESOURCES, LEGAL, AND PARKS & RECREATION DEPARTMENTS; AND APPROVING A STATE / LOCAL AGREEMENT WITH THE IDAHO TRANSPORTATION DEPARTMENT FOR CONSTRUCTION OF THE GOVERNMENT WAY, HANLEY AVENUE TO PRAIRIE AVENUE PROJECT.

ROLL CALL: Miller Aye; McEvers Aye; Gookin Aye; English Aye; Edinger Aye. **Motion Carried.**

APPOINTMENTS: Mayor Widmyer asked for the appointment of Greg Lewis and Kristen Lahner to the Arts Commission.

MOTION: Motion by Edinger, seconded by McEvers to approve the appointment of Greg Lewis and Kristen Lahner to the Arts Commission. **Motion carried.**

RESOLUTION NO. 17-014

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING THE POLICY FOR WATER SERVICE OUTSIDE CITY LIMITS AND APPROVING THE FORM OF AN AGREEMENT FOR PROVISION OF WATER SERVICE OUTSIDE CITY LIMITS.

STAFF REPORT: Water Superintendent Terry Pickel explained that since the acquisition of the public water system by the City in the mid 1970's there have been continuous requests for water service outside of the corporate city limits. Over the past four decades, that policy has been the subject of near continuous dispute, several subsequent revisions and much debate between the City Council and staff. Staff has received an increasing amount of requests for water service outside City limits, primarily fueled by the growth of our area. Current policy limits those connections to properties that can prove a previous (grandfathered) right for participation in the original water system construction, are contiguous and can annex, or have a failing well with no reasonably economical means for new service. The City's infrastructure in these areas is at or near its intended service life and is inadequate for fire protection. The restriction in potential revenue and lack of additional capitalization fees means that the majority of the burden

for replacement will be placed on all customers. Adopting a policy allowing new customers that front existing mains may help to close the funding gap. Under the proposed revised policy, a property owner would have to prove whether they could be annexed or can become contiguous by bringing in other properties that have previously consented to annexation. If they could not satisfy the annexation requirement within reason, service outside City limits may be granted to those properties fronting existing mains as identified. Further, only one residential hook-up for each identified residential property, or one commercial and one commercial irrigation service would be allowed in order to prevent a property from being further subdivided, thereby creating additional service requests. Overall impact to the system would be relatively minimal. Mr. Pickel has identified approximately 116 parcels that would be eligible under the new policy, and concluded that the amendment to the policy would provide a funding source for needed improvements in these outlying areas, it would aid in contamination prevention by limiting wells, and it would aid in the appearance of fairness. There were 19 Idaho cities polled, 16 of which noted that they do allow some form of service outside the city limits.

DISCUSSION: Councilmember McEvers asked if CAP fees would be charged for those connecting to a city main. Mr. Pickel confirmed that current fees would be charged for a new service; however, he is in the process of updating the rate study, which will analyze the CAP fees for services outside the city limits. He believes that collection of these fees will help fund the needed improvements in those areas. Councilmember McEvers asked where the adequate fire flow would come from. Mr. Pickel explained that they currently depend on mutual aid agreements, rural fire land rates and increasing the size of the infrastructure. Councilmember Gookin asked if the policy would provide guidance to staff so that they will be able to make the connection determinations. Mr. Pickel confirmed that is the intent. Councilmember Miller asked for clarity regarding the poll of Idaho cities. Mr. Pickel explained that he used the AIC City Clerk listserv and 19 cities responded. Councilmember English asked if the 116 lots identified, beyond the 35 that are already grandfathered, would be the maximum connections allowed. Mr. Pickel confirmed that the 116 lots identified would be the maximum, and those that are contiguous to the city limits would need to be annexed. Councilmember English expressed concern that they are dealing with rural areas; however, felt it made sense to give opportunity for connection to an abutting main. Councilmember Edinger expressed concern that when people buy homes they are told they can have city water. Mr. Pickel clarified that the County does not require specification as to where the homeowner is going to get water and this should provide that clarity. Councilmember Miller expressed concern that the Blackwell Island piece already has strained equipment and wondered if there are any issues with the annexation of too many parcels. Mr. Pickel confirmed that the main problem is the deteriorating equipment, and that the Water Department is working to install a new transmission main, which will be able to handle more than the number of lots that are currently there. Councilmember McEvers expressed concern that the trigger for annexation is water and sewer and that they get to use all other city resources free. However, he felt that this is the right thing to do. Councilmember Edinger noted that in the past the City was forced into providing services to the City of Fernan, and does not believe it is fair to the citizens of Coeur d'Alene. Mr. Pickel clarified that the policy still requires that an abutting property must annex, and that it is worth the reduction of wells. Councilmember Miller asked if a different rate for those outside the city limits could be established. Mr. Pickel noted that there is no current rate established that is different; however, it can be reanalyzed with the new rate study.

MOTION: Motion by English, seconded by Gookin to approve **Resolution No. 17-014**, approving an amendment to the policy for water service outside city limits and approving the form of an agreement for provision of water service outside city limits.

ROLL CALL: McEvers Aye; Gookin Aye; English Aye; Edinger No; Miller Aye. **Motion Carried.**

AUTHORIZE FUNDING FOR A UTILITY BILLING SPECIALIST POSITION

STAFF REPORT: Finance Director Troy Tymesen explained the need for a full-time benefitted Utility Billing Specialist. He noted that a Utility Billing Supervisor position was created in Fiscal Year (FY) 2009-2010, but was never filled. Currently the Lead Utility Specialist position and other Utility Billing Specialists are routinely working over 40 hours a week to make sure payments are posted and bills are mailed out timely. An immediate concern in the Finance Department is the inability to find time to cross train employees and the billing and payroll functions have no backup. In FY 2014-15 the Finance Department was authorized to hire a part-time person to help with the scanning of utilities payments. This position has evolved into a 29 hour a week position that is essential to the Finance Department. Recently the position has been working 40 hours per week. The Finance Department manages all utility billing, payroll, and accounts payable for the City. Mr. Tymesen noted that it would be an open internal recruitment for the position and that he is seeking \$9,222.00 to fund the position (including benefits) for the remainder of the year. He anticipates additional sales tax revenues that could cover this expenditure.

DISCUSSION: Councilmember Gookin expressed appreciation of staff's effort to bring the position up to full-time and was pleased to hear there is additional sales tax anticipated.

MOTION: Motion by McEvers, seconded by Edinger to authorize the funding for a Utility Billing Specialist position. **Motion carried.**

(LEGISLATIVE HEARING) V-16-5, Vacation of a portion of Appleway Avenue right-of-way adjoining the southwesterly boundary of Lot 4, Block 1 of the Zanetti Subdivision to the City of Coeur d'Alene.

STAFF REPORT: Engineering Project Manager Dennis Grant explained that the applicant, Zanetti Brothers, Inc., has requested that a portion of Appleway Avenue right-of-way adjoining the southwesterly boundary of Lot 4, Block 1 of the Zanetti Subdivision be vacated. It is unknown when the requested right-of-way was originally dedicated to the City of Coeur d'Alene. There is no financial impact to the City associated with this action. The purpose behind the request is to realign the excess right-of-way to match the existing public improvements. Mr. Grant mailed 12 requests for comment and received no responses. He recommends approval of the request.

Mayor Widmyer called for public comments, and with none being received. Public testimony was closed.

DISCUSSION: Mayor Widmyer asked if there was any current on-going or planned development. Mr. Grant noted that there is a short plat intended for the parcel, which will create two lots fronting Appleway, with another flag lot that will contain an apartment complex.

COUNCIL BILL NO. 17-1005

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, VACATING A PORTION OF THE APPLEWAY AVENUE RIGHT-OF-WAY, GENERALLY DESCRIBED AS A PARCEL OF LAND ADJOINING THE SOUTHERLY BOUNDARY OF LOT 4, BLOCK ONE OF THE ZANETTI SUBDIVISION TO THE CITY OF COEUR D'ALENE PLAT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

MOTION: Motion by McEvers, seconded by Gookin, to dispense with the rule and read **Council Bill No. 17-1005** once by title only.

ROLL CALL: English Aye; Edinger Aye; Miller Aye; McEvers Aye; Gookin Aye. **Motion Carried.**

MOTION: Motion by McEvers, seconded by Edinger, to adopt **Council Bill 17-1005**.

ROLL CALL: English Aye; Edinger Aye; Miller Aye; McEvers Aye; Gookin Aye. **Motion Carried.**

(LEGISLATIVE HEARING) V-17-1, Vacation of alley right-of-way within a portion of Block 4 of the Kootenai Addition

STAFF REPORT: Engineering Project Manager Dennis Grant explained that the applicant, Melrose Properties, LLC, has requested that the alley right-of-way within a portion of Block 4 of the Kootenai Addition be vacated. The right-of-way was originally dedicated to the City in 1908. There is no financial impact to the City associated with this action. The property is a sixteen-foot (16') wide dead-end, with both sides of the alley owned by the applicant. The remaining easement would allow unrestricted access to City utilities. Mr. Grant mailed 32 requests for comment and four were received with three being in support and one neutral. He recommends approval of the request.

Mayor Widmyer called for public comments, and with none being received. Public testimony was closed.

DISCUSSION: Councilmember Gookin asked if someone owns either side of an alley could they request the vacation of an alley. Mr. Grant clarified that if there were two different owners, the vacated land would be split between the two owners. Councilmember Miller asked if this vacation was connected to the right-of-way acquisition for the hospital development. Mr. Grant confirmed it was not, and clarified it was for the development of new structures.

COUNCIL BILL NO. 17-1006

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, VACATING THAT PORTION OF THE ALLEY RIGHT-OF-WAY WITHIN BLOCK 4 AS SHOWN ON THE PLAT OF KOOTENAI ADDITION TO THE CITY OF COEUR D'ALENE, RECORDED IN BOOK C OF PLATS, PAGE 8, RECORDS OF KOOTENAI COUNTY, GENERALLY DESCRIBED AS THAT PORTION OF THE ALLEY WITHIN BLOCK 4 AS SHOWN ON THE PLAT OF KOOTENAI ADDITION NORTH OF EMMA AVENUE AND WEST OF MEDINA STREET BEING SITUATED IN GOVERNMENT LOT 14, SECTION 11, TOWNSHIP 50 NORTH, RANGE 5 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

MOTION: Motion by Gookin, seconded by McEvers, to dispense with the rule and read **Council Bill No. 17-1006** once by title only.

ROLL CALL: Edinger Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye. **Motion Carried.**

MOTION: Motion by Gookin, seconded by McEvers, to adopt **Council Bill 17-1006**.

ROLL CALL: Edinger Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye. **Motion Carried.**

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

The meeting adjourned at 7:17 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC, City Clerk