

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL,
OCTOBER 19, 2004**

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Hall, October 19, 2004 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Loren Edinger)	Members of Council Present
Al Hassell)	
Woody McEvers)	
Ben Wolfinger)	
Deanna Goodlander)	
Dixie Reid)	

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

INVOCATION: Gordon Dobler, Growth Services Director, led the invocation.

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

PROCLAMATION – CALL TO DUTY FUND MONTH: On behalf of Mayor Bloem, Council President Reid read the proclamation declaring October as Call to Duty Fund Month.

PRESENTATION – APPRECIATION AWARD: Vern Newby, Chairman of the Pedestrian/Bicycle Committee along with Sam the student representative to the Committee, presented Jon Ingalls a plaque in appreciation for his Departments efforts in widening 15th Street as well as sweeping sidewalks for use by pedestrian/bicyclists.

PRESENTATION – STORMWATER UTILITY UPDATE: Tom Messina, Chairman for the Stormwater Citizens Advisory Committee introduced Jon Ingalls who reviewed how the funds will be allocated from the newly formed stormwater utility. Jon noted that citizens would begin to receive their new utility billing beginning in November on the same bill as their water/sewer/garbage bill. He noted that the rate is set at \$4.00 per month for each equivalent Service Unit. He reviewed the budget for this utility, which includes staffing, services/supplies and capital outlay. He highlighted the roles and responsibilities of various departments including Finance, Engineering, Streets Maintenance and Municipal Services. Some realities that Jon pointed out are that the utility will take time to phase in, some activities can commence immediately and, some activities will take longer such as swale repair, modeling, mapping and major projects. He reminded the Council that this stormwater utility would not solve all flood problems. On a final note he presented the long term needs including modeling, mapping for GIS,

Stormwater System Inventory, development of CIP, design criteria and standards, and water quality enhancements.

PUBLIC COMMENTS:

LIBRARY BOARD PRESENTATION: Kathleen Sayler presented Scott Reed and Don "Pepper" Smock with plaques for their years of service on the Library Board. Pepper Smock had served 18 years on the Board and Scott Reed had served 7 years. Scott Reed commented on the site of the proposed library building. Pepper Smock thanked the Council for creating the ex-officio position on the Board and thanked various board members for their efforts. He also commended Julie Meier for all her hard work as Library Director. Councilman Goodlander expressed her gratitude for their efforts.

SPONSORING TEAMS FOR POLITICAL REASONS: Dan Yake commented that he had sponsored three teams as a candidate for State Office and encouraged other candidates to also sponsor teams. He also requested the Council consider this as a means for candidates to sponsor recreational activities.

CITIZEN QUESTION: The question this meeting was "Can I register and vote at City Hall for this election?" City Clerk Susan Weathers responded that yes, you can register to vote and absentee vote at City Hall from now until 5:00 p.m. Monday November 1, 2004. She reminded residents that in order to register they must present photo identification as well as proof of residence effective no later than October 2, 2004. Proof of residence, if different from the photo ID, can be a rental receipt, copy of a utility bill or any item that shows a date preceding October 2 and has your current address on it. She also reminded residents that if you would wish to vote on election day, that you may also register and vote at your election precinct on that day. Councilman Wolfinger noted that so far 20% of the eligible voters have voted absentee.

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

1. Approval of minutes for October 5, 2004.
2. The Public Works Committee and General Services Committee meetings are scheduled for October 25th at 4:00 p.m.
3. RESOLUTION 04-091: 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 APPROVAL OF A TRAINING AGREEMENT WITH THE INSTITUTE OF ADVANCED DEVELOPMENT; APPROVAL OF S-3-03 ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE/WARRANTY AGREEMENT FOR THE LANDINGS AT WATERFORD, 1ST ADDITION; APPROVAL OF S-1-94 ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE/WARRANTY AGREEMENT FOR COEUR D'ALENE PLACE 13TH ADDITION; AND APPROVAL OF S-5-03 ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE/WARRANTY AGREEMENT FOR SUNSHINE MEADOWS, 2ND ADDITION.

4. RESOLUTION 04-092 – A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO DECLARING AN ANNUAL LEAF OR GARDEN WASTE COLLECTION.
5. Authorizing the Fire Department to advertise for bids for the purchase of a ¾ ton pickup.
6. Declaration of Surplus Property and setting of a public hearing for November 16, 2004.
7. Approval of cemetery lot transfer from John Marshall to Bryan and Mrs. Bagley, Marie and Mr. Hensley, and Gay Mansouri-Rad.
8. Approval of cemetery lot transfer from Lee S. Smith to Scott and Janice Long.
9. Approval of Bills as submitted.
10. Approval of beer/wine license for Gramma’s Backyard at 1901 Sherman Ave.
11. Setting of Public Hearings: ZC4-04 (zone change at 1836 NW Blvd.) and A-3-04 Annexation of property at 1800 Seltice Way) for November 16, 2004.

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

PLANT THE PROMISE-RED RIBBON WEEK: Council President Reid announced that there are 10,650 red tulips bulbs being planted throughout the City as part of the Plant the Promise program sponsored by IDFY and Enough is Enough. If a citizen wishes to participate they can contact City Hall for the purchase of tulip bulbs.

LIBRARY VOLUNTEER RECEPTION: Council President Reid had recently attended the Library Reception for the volunteers and thanked the Library staff for hosting this reception.

NAME THE STORM CONTEST: Council President Reid commended the Street Maintenance Dept. for their interaction with Fernan Elementary School and Sorensen Elementary and the schools’ participation in the Name the Winter Storm contest.

ANNUAL LEAF PICKUP: Councilman Wolfinger reminded citizens that leaf pickup program does not occur until November 15th and asked residents not to rake the leaves into the streets until that time.

SANDERS BEACH HIGH WATER MARK: Councilman McEvers asked City Attorney Mike Gridley about the issue of the high water mark in the Sanders Beach area between 11th Street and 15th Street on East Lakeshore Drive. Mr. Gridley noted that due to recent altercations regarding the use of Sanders Beach, the City and County have filed a law suit to the Courts in order for the Court to decide where is the high water mark. He also noted that some property owners have offered to sell the subject property to the City, which cannot be done until the high water mark is determined.

EXECUTIVE TEAM REPORT: On behalf of the Executive Team, Wendy Hague, announced the following: Burlington Northern will be removing the railroad tracks from the City Park north to a point near the skateboard park on Saturday, October 23rd.

Mullan Avenue will be completely closed from approximately 7:00 am to 5:00 pm. Stimson Lumber Mill has agreed to route traffic through the mill area to Hubbard Avenue. Inbound traffic to the Fort Grounds area will also be available as usual via Lincoln Way. If asphalt is available (weather permitting) the City will restore the roadbed and pave as soon as possible. Human Resources is currently accepting applications for a Temporary Mechanic in the Street Department and for a Police Officer. For more information, please contact Human Resources at 769-2205 or visit the City's website, HYPERLINK "www.cdavid.org". The city is always looking for interested citizens to serve on its boards, commissions, and committees. Currently, there is an opening on our Planning Commission, our Arts Commission, and our Urban Forestry Committee. Please call 769-2204 for more information. Specialized Needs Recreation is hosting their annual Halloween Dance-Party Friday, October 22nd, from 6:30 to 8:30 p.m., at Prairie View Elementary. Snacks will be provided. The cost is \$3.00 per person - all ages are welcome. If you would like more information on how you may participate or if you would like to volunteer, please call Angie Goucher at 755-6781 or 769-2317. The Coeur d'Alene Police Department is actively recruiting volunteers. The motivation for developing civilian volunteers is twofold. First, the department places a major emphasis on community involvement. Second, because of fiscal shortfalls during a time of increased demands for service, there are several program areas in which the department is unable to meet the community's demand for service. If you are interested in a volunteer position please contact our coordinator Wally Connally at 666-5732 or 769-2291. The Downtown Association is sponsoring their first annual Fall Flair Oct. 23rd from 11:00 a.m. until 4:00 p.m. There will be a scarecrow contest, farmers market, pumpkin patch and a hayride. On October 30th, the Coeur d'Alene Downtown Association will be holding their annual Trick or Treat for the children of the Coeur d'Alene area from 4:00 p.m. until 6:00 p.m. Preceding the Trick or Treating is the first Halloween Parade along Sherman Avenue beginning at 8th and Sherman at 3:00 p.m. For more information call the Downtown Association at 667-5986.

APPOINTMENT TO CHILD CARE COMMISSION: Motion by Wolfinger, seconded by Hassell to re-appoint Iris Siegler and Kim Torgerson to the Child Care Commission. Motion carried.

RESOLUTION 04-093

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT TO PREPARE THE DESIGN SPECIFICATIONS FOR A 9/11 MEMORIAL, AN IDAHO FIREFIGHTERS' MEMORIAL AND UNIQUE PLAYGROUND THEME AT CHERRY HILL, WITH ABBOTSWOOD DESIGN GROUP, INC., ITS PRINCIPAL PLACE OF BUSINESS AT 103 NORTH 4TH STREET, SUITE 256, COEUR D'ALENE, IDAHO 83814.

Motion by Hassell, seconded by Goodlander to adopt Resolution 04-093

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

RESOLUTION 04-094

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR THE PROVISIONS OF EMERGENCY AND NON-EMERGENCY MEDICAL SERVICES FOR KOOTENAI COUNTY, STATE OF IDAHO, WITH KOOTENAI COUNTY, KOOTENAI COUNTY EMERGENCY MEDIAL SERVICES SYSTEM, NORTHERN LAKES FIRE PROTECTION DISTRICT, KOOTENAI COUNTY FIRE AND RESCUE, TIMBERLAKE FIRE PROTECTION DISTRICT, WORLEY AMBULANCE ASSOCIATION, INC., MICA-KIDD ISLAND FIRE DISTRICT AND QUICK RESPONDERS UNIT, ROSE LAKE QRU AND THE HARRISON COMMUNITY AMBULANCE ASSOCIATION..

Motion by Goodlander, seconded by McEvers to adopt Resolution 94-094.

DISCUSSION: Dan Cochran, Deputy Fire Chief, reported that there has been a restructure on how the City is paid and as a result the City can maintain the same level of EMS delivery and transport as we have provided for the past year. Councilman Wolfinger noted that \$844,956 is the amount of the funds the city will be receiving from this agreement. Councilman McEvers noted that this is a very unique system and thanked Troy Tymesen, Chief Gabriel and former Councilman Copstead for all their efforts in making this program such a success.

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

RESOLUTION 04-095

RESOLUTION OF THE CITY OF COEUR D'ALENE, APPROVING A FORM OF LOAN AGREEMENT WITH THE IDAHO BOND BANK AUTHORITY TO REFINANCE THE CITY'S DEPARTMENT OF ENVIRONMENTAL QUALITY OF THE STATE OF IDAHO LOAN IN THE AMOUNT NOT TO EXCEED \$3,679,386 AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF, AND RELATED MATTERS.

DISCUSSION: Finance Director, Troy Tymesen, reported that this is an opportunity for the City to partner with the Idaho Department of Environmental Quality. He noted that by refunding the Wastewater Treatment Plant bonds, the City could participate in and benefit from the State's bond bank. In the future the City may want to borrow funds from the bond bank for future Wastewater Treatment Plant expansion. Councilman Wolfinger asked what are our chances for getting the 3.4% interest loan rate. Mr. Tymesen believes that it is a very good chance of getting that rate. Mr. Tymesen responded to Councilman Wolfinger's question regarding rating by noting that we do not do enough loaning to warrant the cost of being rated. Councilman McEvers confirmed that this bond is being paid for through the Wastewater Fund. Councilman Goodlander asked if this would

affect our bonding ability for the Wastewater Treatment Plant expansion. Mr. Tymesen noted that by refunding the current bonds, DEQ would have more funds available to extend to the City for the future expansion project.

Motion by Wolfinger, seconded by McEvers to adopt Resolution 04-095.

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

COUNCIL BILL #04-1003
ORDINANCE NO. 3193

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING ORDINANCE NO. 3184 TO CORRECT AN ERROR IN THE LEGAL DESCRIPTION CONTAINED IN SECTION 1 THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

Motion by Wolfinger, seconded by Goodlander to pass the first reading of Council Bill 04-1003.

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

Motion by Wolfinger, seconded by Reid to suspend the rules and to adopt Council Bill 04-1003 by its having had one reading by title only.

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

MUSEUM OF NORTH IDAHO: Dave Yadon, Planning Director, reported the Museum of North Idaho had previously come to the Council requesting use of the property at the northwest corner of Mullan/Government Way and Sherman/Northwest Boulevard intersection for the location of their new building. Before a decision would be made, the Council asked staff to confirm that such a request could be approved. He reported that the restrictions of the Bureau of Land Management (BLM) are very restrictive as with any other part of Government Lot 49. Any uses we propose must have prior approval of BLM. He noted that we could not sell it, or rent the property or otherwise use it for commercial uses. He reminded the Council that the question is, "Can the City Council authorize this site for use by the Museum as their future building site".

DISCUSSION: Councilman Wolfinger asked, if the Museum was to be located at this site and the Museum sold trinkets, does that mean the funds cannot go back to the Museum. Dave responded that BLM did comment that it could go back to the Museum as a public entity for public land use. Mr. Yadon responded that this land could not be swapped for other land. Councilman Goodlander asked Doug Eastwood what other uses

could this parcel be used for. Doug responded that other ideas would be concessions that are park related such as bicycle rentals, skateboard rentals, etc. He noted that the idea was to come up with some means of creating revenue for the Parks Department. Councilman Goodlander also asked if it was possible to use this parcel as a means of placing a frontage road for an additional means of ingress and egress from the Fort Grounds area and if we used this land for the Museum would it prevent any improvements being made. Mr. Eastwood said that he could see this site as a support for creative changes as long as it was parks related such as a frontage road for the parks facility. Councilman Edinger asked if the bicycle rentals, etc. are commercial. Mr. Eastwood noted that although they are private commercial activities they are park related such as we do with concessions stands throughout various city parks. Councilman Goodlander expressed her concerns for the future expansion of City Park activities if the land is used for the Museum site. Councilman Edinger commented that the Museum wanted the City to hold the property for them for 10 years in order to acquire the enough money to build the facility; his concern is that this is a very difficult endeavor in which to hold City property for that length of time. Council President Reid noted that the City has partnered with the Museum for 15 years and the Museum is committed to raise the funds for construction of a new building.

MAIN MOTION: Motion by Reid, seconded by Edinger to commit Area 5 as the site for the Museum of North Idaho for a period of 7 years and direct staff to prepare an agreement with the Museum, and at the end of seven year period that this issue be reviewed.

DISCUSSION: Councilman Hassell expressed his reservations of committing to hold City property for a long period of time and also is not convinced that this is the most appropriate site for the Museum. Councilman Wolfinger noted that the City had previously accepted the concept of the Four Corners area presented by the Committee of Nine, and that he has a problem with concessions. He believes that 7 years is a good compromise and he does not see why the City can't use this land temporarily in the interim. He also recognizes the need for the Museum to have a building site in order to raise the funds for the construction of a new building. Councilman Goodlander expressed her concern to limit the City's ability to make changes to the 4 Corners Plan and identifying this specific site for the Museum. Councilman Edinger asked if the Council could designate this property for seven years to the Museum. City Attorney Mike Gridley responded that the City Council could do it as long it is a lease agreement. Mayor Bloem asked if we could make the same agreement that the Museum be placed in this vicinity vs. being placed at this specific location. Gridley said that they could if they choose. He also noted that with the removal of the railroad tracks, there could be changes to this area.. The City could also build flexibility in the agreement to do so such activities as using the site for parking. As for specific location you can define the area to build.

MOTION TO AMEND: Motion by Hassell to amend the motion to specify the Areas 5, 9 and 10 on the master plan of the 4 corners project.

DISCUSSION: Councilman Reid believes that this is a pretty broad area and for fund

raising purposes the Museum would need to have a specific location. Additionally, she believes this is too broad an area to be able to develop site development plans by the architect. City Attorney Gridley noted that Area 10 is partially owned by LCDC. Councilman Edinger also disagrees with this amendment in that the Museum does need a specific site if they are going to go after grant money or donations from people, which is the same issue that the Library had. He believes that Area 5 is a great location for the Museum. Councilman Wolfinger agreed with Councilman Edinger that the Museum needs a specific site. He also noted that Area 9 is owned by LCDC and Area 10 is the skateboard park, which has had a lot of community involvement in its creation. Councilman Hassell believes by leaving the location as Areas 5, 9 and 10 and the removal of the railroad tracks that there is enough land to move their proposed site. Mayor Bloem asked if the Council adopted this Area 5, would the Council have flexibility within that site. Motion failed.

Main motion carried with Hassell and Goodlander voting no.

EXECUTIVE SESSION: Motion by Wolfinger, seconded by McEvers to enter into Executive Session as provided by Idaho Code 67-2345 Subsection C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property not owned by a public agency; and Subsection F: To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

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

The session began at 8:10 p.m. Members present were the Mayor, City Council, City Administrator, Finance Director and City Attorney.

Matters discussed were those of property acquisition, labor negotiations and pending litigation.

No action was taken and the Council returned to regular session at p.m.

ADJOURNMENT: Motion by , seconded by , that the meeting be recess to October 26th at 3:30 p.m. at North Idaho College.

The meeting recess at p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

