

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

December 6, 2011

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 December 6, 2011 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

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

PUBLIC COMMENTS: There were none.

CONSENT CALENDAR: Motion by Hassell, seconded by McEvers, to remove Items 3(a) and 3(b) from the Consent Calendar. Motion carried.

Motion by Hassell, seconded by Kennedy, to approve the Consent Calendar as presented.

1. Approval of minutes for November 15, 2011.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, December 12th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 11-039: 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 AGREEMENT RENEWAL WITH THE COEUR D'ALENE DOWNTOWN ASSOCIATION; APPROVING AN AGREEMENT FOR CDBG GRANT FUNDS FOR THE LAKE CITY SENIOR CENTER; ADOPTING A POLICY REGARDING RE-PAINTING FIRE HYDRANTS NON-STANDARD COLORS BY PROPERTY OWNERS; APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH J-U-B ENGINEERS, INC. FOR THE WASTEWATER UTILITY 2012 COLLECTION SYSTEM MASTER PLAN AND APPROVING THE REQUEST FOR DESTRUCTION OF RECORDS IN MUNICIPAL SERVICES.~~.
4. Approval of Annual Street Financial Report for State Comptroller.

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

CONTRACT RENEWAL WITH COEUR D'ALENE DOWNTOWN ASSOCIATION. Councilman Hassell noted that this item usually goes through the Parking Commission first because it involves the use of parking funds. He questioned why the contract is increased \$2,000 this year and doesn't think in this economy the city should be increasing the contract and taking money out of the Parking Fund. Councilman McEvers thinks that the city supports many things that the Downtown Association does, but these are hard times. Two thousand dollars doesn't sound like a lot, but it's the point. He noted that the Downtown Association and the Chamber of Commerce also collect from parking for the big events and it doesn't seem like the right time to give them more money. The additional maintenance responsibilities are also unclear.

Councilman Goodlander said that the events are parades and things that happen on the streets and many of them don't benefit the downtown. Some of the events are detrimental to the downtown. Councilman McEvers said that it is still the taxpayers' dollars that are basically supporting all of these things that happen downtown and he thinks it is important to keep the community events going and thinks that 70 or 80 percent of the events do impact the downtown. The Parking Fund monies could be used for other things coming up.

Mr. Tymesen clarified that the Parking Fund is the source of revenue for the contract. The Parking Fund is an enterprise fund that collects money from the users of that particular service. There are no property tax dollars going into the contract. The money comes from people that use the parking facilities. The contract with the Downtown Association has been in place for approximately 20 years and the city has a great relationship with them. The contract has an escalation clause in years 2 and 3 with a Consumer Price Index increase. The contract has not increased in at least the last 15 years. There are many reasons why the contract exists and it is much more than just the wages for the director of the Downtown Association. The Downtown Association must produce a quarterly scorecard, and they have committees and assist with promoting the parking downtown. Costs have not gone down for the Downtown Association to provide services and they are working on sidewalks a lot more than three years ago.

Councilman Kennedy said that while Mr. Cooper and the Downtown Association are not city staff, he has personally called Mr. Cooper in lieu of calling code enforcement or someone from the city and gotten good results. In some ways they are an extension of city staff and take a little bit of the load off the city because of the way the partnership is structured. He noted that the city still has 14 jobs unfilled and whenever we can leverage the burden with another entity, he thinks it is a good thing to do. He has no objection to the additional amount.

Councilman Edinger said that he thinks that the Downtown Association director is a big improvement over what we've had in the past. Any time there is a problem downtown you can call Mr. Cooper and he will jump on it right away. He thinks the \$2,000 is worth it and that the Downtown Association and Mr. Cooper do an excellent job.

Councilman Hassell said that he agrees that the Downtown Association does a good job. The

point is that this is not a time to increase the expenses, especially for an unbudgeted item. He doesn't see much of anything else getting cost of living increases right now. There is not a good enough justification for the increase.

Councilman Bruning said that it seems to him that this is a contractual item and it is something that the Downtown Association and the city have agreed to in the past. Mr. Tymesen confirmed that this is a renewal, and like any contract renewal, everything is open to negotiation.

Councilman McEvers agreed that the Downtown Association does a great job but said that it would seem to be the right thing at this time to not ask for a raise.

MOTION by Kennedy, seconded by Bruning, to approve the Contract Renewal with Coeur d'Alene Downtown Association.

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

Mayor Bloem commented that she thinks that people may think that the Downtown Association receives money when others aren't getting any. She noted that the Downtown Association is the only organization in the city that self-taxes. That is one of the reasons the contract came about because, as owners, they were putting money into the contract and into the public space.

CDBG FUNDING AGREEMENT WITH LAKE CITY SENIOR CENTER: Motion by Kennedy, seconded by Edinger, to approve the CDBG Funding Agreement with Lake City Senior Center.

DISCUSSION: Councilman Goodlander said that this is a grant from the HUD funding that the city receives annually to replace one of the ovens at the Lake City Senior Center. The oven is old and isn't working very efficiently. She noted that she sits on the Board of Directors for the Lake City Senior Center and will abstain from voting. It is a wonderful partnership between the HUD monies, the city, and the Lake City Senior Center. Councilman Kennedy noted that essentially it is a pass-through grant – it is federal money and the primary use of the oven is the Meals on Wheels program which is designed to provide meals to homebound seniors. It was also noted that the city will continue to assist the Lake City Senior Center with snow removal at their facility.

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

COUNCIL COMMENTS:

COUNCILMAN BRUNING: The K through 5th grade youth wrestling program is now accepting signups at the Recreation Office. Programs will begin after the first of the year.

COUNCILMAN GOODLANDER: The ArtCurrents program is getting ready to look at new pieces of art for next year. The program has been very successful and a couple of the pieces on display are likely going to sell, with a percentage of the sale going back to the city. The deadline

for proposals is April and by next summer we will see an entirely new set of art on our corners for citizens to enjoy.

COUNCILMAN EDINGER: Congratulated the Coeur d'Alene High School football team for winning the state championship a couple of weeks ago.

COUNCILMAN KENNEDY: Congratulated the Coeur d'Alene High School drama team for winning the state championship last week.

APPOINTMENT TO ARTS COMMISSION: Motion by Goodlander, seconded by Kennedy to appoint Ryan Johnson to the Arts Commission. Motion carried.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel announced that Leaf-fest is in the books! Crews finished up late last Monday with Leaf-fest 2011 and we were able to finish sweeping all areas by the morning of December 1st. They have started to re-sweep some areas such as south of Sherman, Ft. Grounds, and midtown areas until weather forces us to shut down. Some of this year's totals are: Over 700 loads of leaves were taken off residential streets with zero accidents. They also hauled off 88 loads of needles in the Fairway area alone. She thanked the Fire Department for their annual Santa Food Drive this past weekend. It was a great success with 807 pounds of food donated to the food bank! The Dike Road committee toured the area in question last week so they could see for themselves what some of the issues are. It was a good opportunity to talk and they identified six areas of focus: (1) seek Congress and legislator support, (2) continue research and education, (3) feasibility study for sheer wall down the middle of the road that would not require excavation, (4) look at compiled science regarding stabilization and pine root stabilization, (5) look at considering hiring a third party engineer to certify the flood wall system, and (6) follow Kootenai Environmental Alliance's lawsuit. There is a lot of work to do and they have a very energetic group of volunteers. In the aftermath of one of the nation's biggest natural disasters – the Big Burn of 1910 – how did the region's communities, as well as public agencies, respond to the influx of refugees? A lecture by Dr. Thomas Krainz at the Coeur d'Alene Public Library will examine the response, Wednesday, December 7th, at 7:00 p.m. in the Community Room. Specialized Needs Recreation will be holding its 10th Annual Christmas Dinner Party Fundraiser on Sunday, December 11th, from 5:30 p.m. to 7:30 p.m., at Real Life Ministries (1866 North Cecil Road in Post Falls). Please call Angie Goucher at 755-6781 for more information. Also, be sure to ask Angie about the upcoming Winter Break Day Camp. Congratulations to Sergeants Brett Walton and Brandon McCormick for receiving the Peace Officer Standards and Training Supervisor Certificate. Congratulations to Officer Jacob Pleger for his graduation from the North Idaho College Basic Patrol Academy. Officer Pleger distinguished himself by ranking second in his class and earning the "Outstanding Professional Award." The city's Arts Commission is seeking artists to participate in its "ArtCurrents" program, now in its second year. Information packets are available at City Hall, 710 E. Mullan Avenue, or online at www.cdaid.org. Artist proposals are due by 5:00 p.m., April 16, 2012. Artists who are interested in participating are encouraged to contact Steve Anthony, Arts Commission Liaison, at 769-2249.

RESOLUTION NO. 11-040

**A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO
AMENDING CERTAIN CITY FEES.**

Councilman Kennedy said that the Parking Commission is requesting approval of a new lower parking pass fee for anyone, with the idea being that they would prepay for the passes in quantities of 15 or more per month. The idea is to provide incentive to people to use the lots rather than parking on the street. Right now the cost for a parking permit is \$20.00 for a 5/day a week pass, or \$30.00 for a 7/day a week pass. The new proposal would offer current and potential customers the ability to acquire 15 or more passes per month at the rate of \$15.00 each for a 5-day pass, if purchased in advance.

Motion by Kennedy, seconded by Bruning, to adopt Resolution 11-040

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

ACCEPTANCE OF CANVASS OF ELECTION VOTES:

Councilman Hassell said that since the county is handling the elections, the city doesn't get to review the sign-in books like it used to. How can the council say that they trust that the canvass is correct when they don't get to see the actual product. Councilman Kennedy noted that there was no representative from the county at the meeting to answer any questions from council.

Mr. Gridley said that the legislature did charge the county with being the sole entity to conduct the city's elections. He doesn't know what resource the city has to challenge them at this point. Councilman Kennedy said that he doesn't have any reason to believe the results are inaccurate at all, but they haven't received anything other than a piece of paper.

Mr. Gridley said that he thought that this item could be continued to the next meeting. The winners in the election won't be seated until the first meeting in January.

Councilman Goodlander said that she thinks it would be appropriate to ask for a report from the County Clerk in that the city was always able to view the records in the past.

MOTION by Goodlander, seconded by Hassell, to table this item until the next council meeting and request that the County Clerk bring the records and be present to answer any questions.

DISCUSSION: Councilman Kennedy said that he didn't know if it would be appropriate to table the item, he is just disappointed that there is no representation from the county. He doesn't know if we need to make a bigger issue out of it by tabling it. There were not any close elections that any human mistakes would have had an impact on.

Councilman Hassell said that he doesn't have any challenges to the results, but always in the past they have had the ability to look at the records. He thinks that it is a part of the process that they don't need to throw out at this point.

Councilman Goodlander said that she thinks the election was accurate but she is just not comfortable not seeing the records.

Councilman McEvers asked if everything is changed now, why do they have to accept the canvassed election results. Mr. Gridley said that the reality is that it is almost a formality – the acceptance of the results by the body that is affected by the election. There are ways to check and verify the signatures.

Councilman Edinger said that he doesn't have any objection to how the election turned out, but there have been a lot of changes at the courthouse. He agrees with Councilman Kennedy that there wasn't anything close so he doesn't see any reason why council can't accept the canvass.

Councilman Kennedy suggested that the City Clerk talk to the county to clarify the question so that they can bring it forward to the Association of Idaho Cities.

The vote on the motion to table this item resulted in a tie vote with Goodlander, McEvers and Bruning voting Aye, and Kennedy, Hassell and Edinger voting Nay. Mayor Bloem broke the tie by voting Nay. Motion failed.

MOTION by Kennedy, seconded by Edinger to accept the canvass of election for the General Election held on November 8, 2011. Motion carried with McEvers and Hassell voting Nay.

Total Registered Voters: 21,554

Total Ballots Cast: 6,299

% of Voter Turnout: 29.23%

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**Kootenai County
November 8, 2011
City/Fire District Election**

Coeur d'Alene City

Precinct	City Council Seat #1		City Council Seat #3				City Council Seat #5			
	Adam Graves	Loren "Ron" Edinger	Derek Aujay	Dan Gookin	Patrick "Mitch" Mitchell	George C. Sayler	Anastasia Somontes	John W. Bruning	Amber Copeland	Steve Adams
22	6	12	0	13	0	5	0	6	0	12
28	3	14	0	10	0	5	0	4	4	9
35	13	13	0	8	3	12	2	13	4	8
37	38	129	0	101	8	55	2	50	19	96
38	129	271	7	209	9	174	9	145	40	221
39	72	182	2	147	13	86	8	79	21	151
41	53	187	0	142	9	89	5	82	24	137
42	26	85	2	59	11	34	6	24	19	68
43	31	135	2	101	3	61	3	60	12	95
44	31	107	1	92	8	37	4	24	23	93
45	62	219	4	152	13	109	5	81	34	167
46	76	241	0	207	13	101	7	92	17	215
47	14	99	1	72	4	33	6	35	18	62
48	47	122	2	99	8	58	1	45	13	107
49	33	130	0	93	8	60	5	48	17	101
50	45	101	0	90	4	52	1	57	7	80
51	18	81	0	58	3	38	1	35	7	57
52	36	148	2	109	7	65	6	53	19	115
53	39	119	0	87	6	60	5	46	22	91
54	76	117	1	79	3	104	9	100	14	78
55	57	95	4	75	1	68	4	72	18	60
56	60	111	2	71	12	78	6	66	21	73
57	27	122	0	87	4	55	5	50	16	85
58	81	170	1	103	9	131	5	111	32	106
59	41	130	1	73	10	78	7	65	21	81
60&61	41	109	0	86	1	62	2	44	17	84
ABS 72	584	1210	14	986	69	725	54	583	199	1038
Co. Total	1739	4459	46	3409	239	2435	170	2070	658	3490

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PUBLIC HEARING – APPEAL OF DENIAL OF TREE REMOVAL AT 312 19TH STREET: Mayor Bloem read the rules of order for this public hearing. Karen Haskew, Urban Forester, gave the Staff report.

Mrs. Haskew reported that the Urban Forestry Ordinance requires that the Urban Forestry Committee (UFC) members inspect tree removal permits and make recommendations regarding removal according to specific criteria. The inspection form developed by the UFC prompts inspectors to rate trees by giving negative values for concerns regarding health, condition, site,

and nuisance factors. Ability to mitigate these concerns is considered in the values given. Trees can also be assigned positive points for providing assets such as environmental benefits, wildlife values and contributions to streetscape, neighborhood and the overall urban forest. An overall score of -40 is needed for allowing a removal.

Mr. Herin, owner of the property at 312 N. 19th Street requested removal of the abutting ponderosa pine trees in 2010 and again in 2011. Reasons cited were messiness, excessive shade, infrastructure damage and likelihood of future damage to the street and utilities.

The right-of-way extends 12 feet behind the curb at this location and there is no sidewalk. The tree trunks are 2.5 and 3 feet behind the curb. Both ponderosa pine trees (approximately 22" and 25" d.b.h.) are in good health and condition. There is some gall rust infection on branches, which is a minor defect typical of ponderosa pine in our area. There are also some dead branches that are the natural result of reduced sunlight to those branches because of shading from the trees themselves as well as other trees on the property. The dead branches should be pruned from the trees. Both trees are starting to cause a slight outward bow to the curb. A section of repaired curb by the northern-most tree is unattached to the underlying curb. Curb repair could be done without significant damage to the tree roots. The primary overhead power lines are across the street and the electric service line, telephone and cable lines to the duplexes on this property are on the south side of the southern tree. The tree branch ends are just beginning to reach the lines. Pruning the lower branches of the trees would assist in keeping the service line clear as well as providing additional sunlight to the ground underneath the trees. A water meter box is close to the base of the northern-most tree. The Water Department reviewed the location and said that the trees do not pose a problem for them.

The average score for both trees was +25, insufficient for a removal/replacement permit (an overall score of -40 is needed for removal). Committee inspection forms are attached.

Mrs. Haskew noted that the City Council can uphold the denial of a removal permit or overturn the denial of a removal permit and allow removal of one or both trees with the understanding that required replacement tree(s) from the approved 'medium' or 'large' street tree list must be planted within the right-of-way.

PUBLIC COMMENTS:

Ron Herin, 1115 E Lakeside Avenue, said that he moved to Idaho in 2000, and in December of 2010 retired from NASA after almost 51 years. He and his wife bought some duplexes up here, including the one located at 312 19th Street. The curb has cracks in it and has actually broken away out into the street. It worries him that some people could be injured because of the broken curbs. Both ponderosa pines are about 60 to 70 feet tall and they are 31 inches from the base of the pine tree out to the curb. The water main is 8 inches from the tree. To him it is a serious situation. He acknowledged that the picket fence was put up in error, but the tree roots have broken up the 4 x 4's that hold the picket fence. He believes that the tree does not meet the requirements for the location because it is too close to the curb and to the street. He is asking for authorization to pull the two trees out and put in a couple of other trees that will meet the city's requirements.

Ken Roberge, 857 Government Way, of Specialty Tree Service, said that his contention with the trees is it is more of a safety and infrastructure issue. If he had something like that on his property and it was starting to damage his property, he would want a remedy to take care of it. He sees a safety issue where the curb is jutting out. Over time there will be a larger problem. He thinks that according to current standards large trees require different spaces.

Councilman Kennedy commented that if there is a process and a procedure in place, there needs to be a compelling reason to go against the process. He would like to support the homeowners but is concerned that it might be setting a precedent that makes the process and the scoring no longer functional in the future.

Delona Lee, 312 N. 19th Street, said that in the city's current regulations, if they asked to plant those trees today, they might be told "no" because they are too large for the area. Also, ponderosa pines aren't meant to be in a residential area. The trees are supposed to be spaced 40 feet apart according to the city's guidelines, but the total area of the lot is 50 feet. They are asking to have trees there, but would like smaller, more appropriate trees for the size of the area.

Testimony closed.

COUNCIL DISCUSSION:

Ms. Haskew confirmed that the urban forestry committee does look at the infrastructure when evaluating tree removal requests. Councilman McEvers commented that it seems like we have to fight to let someone take down a tree and do something that would be beneficial for them. He would like to give the benefit of the doubt to the folks who want to improve their property. Ms. Haskew commented that the larger trees are the only things in our infrastructure that actually gain value. They don't want to treat trees like furniture that you switch out all the time. The urban forestry committee would rather keep a big tree than have a small tree. She also confirmed that the owner could replant a ponderosa tree in that space if they wanted to because of the 12 foot right of way.

Councilman Hassell asked if it was true that a big percentage of the larger trees in town would not fit the criteria of the current regulations. Ms. Haskew said that the city has a lot of tree species that are no longer recommended and some trees are planted in spaces that are too small for them, or spacing is wrong. They hope to fix a lot of that over time. She noted that if every tree that was causing some kind of problem was removed, you are talking probably about half of our big trees. Councilman Hassell said that he would find it difficult to approve the removal of trees that have a positive value on the score sheet because council has not allowed removal of some trees that have had minor negative scores.

Councilman McEvers asked when do we have to stand up for the folks who want to make their property better and nicer, with a better tree in their mind? Councilman Kennedy said that the owners purchased this house with those trees in place. They went in with their eyes wide open. We have a process and it has been executed fairly and consistently. He doesn't want to throw the process to the wind because we don't like the outcome of it.

Councilman Bruning said that the big ponderosas in the older part of town are really what makes the neighborhood. They are our heritage trees, and you just don't replace them. The trees in question are healthy. He just can't justify the removal in his mind.

COUNCIL MOTION: Motion by Bruning, seconded by Edinger, to deny a removal permit.

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

ADJOURNMENT: Motion by Kennedy, seconded by Goodlander to continue this meeting to December 9th at 7:30 a.m. at Parkside Tower Conference Room for a workshop regarding McEuen Field traffic study. Motion carried.

The meeting adjourned at 7:38 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk