



Coeur d'Alene

CITY COUNCIL MEETING

September 3, 2013

MEMBERS OF THE CITY COUNCIL:

Sandi Bloem, Mayor

Councilmen Edinger, Goodlander, McEvers, Kennedy, Gookin, Adams

CONSENT CALENDAR

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

August 20, 2013

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 on August 20, 2013 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Mike Kennedy)	Members of Council Present
Woody McEvers)	
Dan Gookin)	
Steve Adams)	
Deanna Goodlander)	
Loren "Ron" Edinger)	

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

INVOCATION: Led by Pastor Joe Tuttle, Heart of the City Church

PLEDGE OF ALLEGIANCE: Councilman Kennedy led the Pledge of Allegiance.

The Mayor asked that Wastewater Treatment Superintendent Sid Fredrickson introduce new staff members Mike Becker, Utility Project Manager and Rob Grytness, Collection Operator.

PRESENTATION: POLICE SCHOOL RESOURCE OFFICERS – Chief Longo stated that there is currently one officer in each Middle School and High School that are specifically trained in school issues including drug abuse. After the Sandy Hook incident, the Police Department and School District 271 agreed it was important to replace the Canfield Middle School Resource Officer. Captain Clark explained that the current contract with the School District includes six Resource Officers, which includes the Canfield Middle School position (with 50% of the position funded by the District). The officers are stopping by the elementary schools as well. The District has agreed to cover officer overtime expenses related to the coverage of school events. Councilman Goodlander stated that she has heard that the officer's also provide a good outlet for kids to discuss problems. Captain Clark stated that officers are accessible since they are on campus and they also teach classes which build relationships. Chief Longo clarified that the Resource Officers are utilized in patrol during the summer.

PUBLIC COMMENTS:

FRONT AVENUE:

Charlie Miller, Coeur d'Alene, spoke in support of the closure of Front Avenue from 2nd to 3rd on behalf of the Centennial Trail Commission. He stated that he and the Commission had not seen a plan, and asked that they have input into the final design.

Brenda Garcia, Coeur d'Alene, stated she is against the closure of Front Avenue. She believes the roadway is needed by the Resort and the boat launch and believes this will cause gridlock on Sherman. She believes the merchants in the area would be concerned with the closure and is concerned about the costs. She asked the Council to consider if this is needed and what is gained by it.

CONSENT CALENDAR: Motion by Kennedy, seconded by Edinger, to approve the consent calendar as presented.

1. Approval of Council Minutes for August 6, 2013.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for August 26, 2013 at 12:00 noon and 4:00 p.m. respectively.
4. **RESOLUTION NO. 13-045** 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 A FUEL SERVICES CONTRACT WITH COLEMAN OIL COMPANY; APPROVING A SCHOOL RESOURCES OFFICER AGREEMENT WITH COEUR D'ALENE SCHOOL DISTRICT #271; AND APPROVING S-3-13 COEUR D'ALENE PLACE 19TH ACCEPTANCE OF IMPROVEMENTS, MAINTENANCE / WARRANTY AGREEMENT AND SECURITY APPROVAL.

ROLL CALL: Adams Aye; McEvers Aye; Goodlander Aye; Gookin Aye; Kennedy Aye; Edinger Aye. **Motion carried.**

COUNCIL ANNOUNCEMENTS:

Councilman Gookin stated that he was contacted regarding vandalism at McEuen. Upon speaking with the Parks Director, he found out that there was some spray-paint vandalism and those responsible were caught and sentenced to community service. He recommended that people attend the Democratic Lunches as they are currently providing speakers regarding Human Rights. The lunches are held every Friday at noon at the Iron Horse Restaurant.

Councilman Goodlander stated that she took a tour of McEuen Park last week and wanted to say it is a remarkable-sized park and that the playground equipment is in place. Additionally, there are many people using the trail at the base of Tubbs Hill.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel stated that Specialized Needs Recreation marked the end of summer last week with a luau party. She expressed thanks to volunteers, as without the volunteers this event, and the SNR program as a whole, would not

be possible. The enormously popular City Park Concert Series is coming to a close this Sunday with the last concert of the season. Men in the Making will provide Shake, Rattle & Show! These concerts in the park are held every Sunday during the summer months, from 1:00 p.m. to 4:00 p.m. at the Rotary Lakeside Bandshell in CDA City Park. Bring your lawn chairs and blankets and come out for a great time and great music! After 35 years of faithful service to the City of Coeur d'Alene, Doug Eastwood will be retiring as the City's Parks Director. The City of Coeur d'Alene will be hosting a Farewell Open House on Friday, August 23rd, from 12:00 p.m. to 3:00 p.m. in the Library Community Room, and citizens are invited to stop by and thank Doug for his dedicated service. For more information please call 415-0415. The City of Coeur d'Alene Arts Commission is accepting nominations for the 18th Annual Mayor's Awards in the Arts. Nominations may be submitted by art organizations, individuals, or businesses, and must be received by September 5th. The Mayor's Awards in the Arts are presented by the Coeur d'Alene Arts Commission and the City of Coeur d'Alene to recognize and encourage excellence in the arts and to stimulate and support awareness of the arts throughout the City. Nominees may be businesses, organizations, or individuals who have, through distinguished service or creative accomplishment, made a significant contribution to the arts in Coeur d'Alene. Nomination forms are available at City Hall, and can be downloaded from the City website www.cdaid.org. For more information, call Eden Irgens, at 818-3067. Ms. Gabriel congratulated Deputy Fire Chief Glenn Lauper for being asked to serve on the International Association of Arson Investigators Fire Investigations Standards Committee. Service on this committee is a direct reflection of Deputy Chief Lauper's outstanding reputation as one of the premiere arson investigators in the country. She stated that the Front Avenue design was discussed on January 10, 2013, which included the approval of the design of limited access to increase linkages and protect view corridors. The limited access allows for emergency access, delivery vehicles, and bus loading and unloading. On January 11, 2013 and January 16, 2013 the Coeur d'Alene Press wrote articles regarding the limited access design concept.

RESOLUTION NO. 13-046

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING A NOTICE OF TIME AND PLACE OF PUBLIC HEARING OF THE PROPOSED AMENDED BUDGET FOR FISCAL YEAR 2012-2013, AND INCLUDING PROPOSED EXPENDITURES BY FUND AND/OR DEPARTMENT, AND STATEMENT OF THE AMENDED ESTIMATED REVENUE FROM PROPERTY TAXES AND THE AMENDED TOTAL AMOUNT FROM SOURCES OTHER THAN PROPERTY TAXES OF THE CITY FOR THE ENSUING FISCAL YEAR AND PROVIDING FOR PUBLICATION OF THE SAME.

WHEREAS, it is necessary, pursuant to Idaho Code 50-1003, for the City Council of the City of Coeur d'Alene, prior to passing an Amended Annual Appropriation Ordinance, to prepare a proposed amended Budget, tentatively approve the same, and enter such proposed amended Budget at length in the journal of the proceedings; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene, that the following be and the same is hereby adopted as an Amended Estimate of Expenditures and Anticipated Revenue of the City of Coeur d'Alene for the fiscal year beginning October 1, 2012:

GENERAL FUND EXPENDITURES:			
Mayor and Council	\$ 220,014		
Administration	399,866		
Finance Department	676,928		
Municipal Services	1,369,649		1,395,149
Human Resources	241,663	243,963	
Legal Department	1,428,897		1,439,897
Planning Department	475,512		502,512
Building Maintenance	398,419		
Police Department	9,969,692		10,203,682
Drug Task Force	36,700		71,700
ADA Sidewalks	220,785		
Byrne Grants	149,077		336,077
COPS Grant	69,819		79,819
Fire Department	7,627,429	7,729,672	7,869,087
General Government	192,635	942,635	
Engineering Services	1,238,436	3,203,536	3,213,036
Streets/Garage	2,390,303		
Parks Department	1,665,888		1,694,888
Recreation Department	764,454		775,774
Building Inspection	721,439		731,939
TOTAL GENERAL FUND EXPENDITURES:	\$30,257,605	-33,077,248	33,806,473

SPECIAL REVENUE FUND EXPENDITURES:			
Library Fund	\$ 1,278,960		
Community Development Block Grant	267,325		
Impact Fee Fund	613,133	913,133	1,063,133
Parks Capital Improvements	881,215	1,870,524	
Annexation Fee Fund	70,000		
Insurance / Risk Management	264,000		269,000
Cemetery Fund	239,300		
Cemetery Perpetual Care Fund	98,000		
Jewett House	42,000		
Reforestation / Street Trees / Community	68,000		
Arts Commission	7,000		
Public Art Funds	245,000		
TOTAL SPECIAL FUNDS:	\$ 4,073,933	\$ 5,363,242	5,518,242
ENTERPRISE FUND EXPENDITURES:			
Street Lighting Fund	\$ 570,050		
Water Fund	7,602,289		
Wastewater Fund	18,996,924	19,326,924	
Water Cap Fee Fund	850,000		
WWTP Cap Fees Fund	879,336		
Sanitation Fund	3,285,480		3,415,480
City Parking Fund	575,957	607,728	
Stormwater Management	923,967		
TOTAL ENTERPRISE EXPENDITURES:	\$33,684,003	\$34,045,774	34,175,774
FIDUCIARY FUNDS:	\$ 2,538,100		
STREET CAPITAL PROJECTS FUNDS:	770,000		920,000
DEBT SERVICE FUNDS:	1,381,865		1,390,075
GRAND TOTAL OF ALL EXPENDITURES:	\$72,705,506	\$77,176,229	\$ 78,348,664

BE IT FURTHER RESOLVED, that the same be spread upon the Minutes of this meeting and published in two (2) issues of the Coeur d'Alene Press, seven (7) days apart, to be published on August 28, 2013 and September 4, 2013.

BE IT FURTHER RESOLVED, that a Public Hearing on the Budget be held on the 17th day of September, 2013 at the hour of 6:00 o'clock p.m. on said day, at which time any interested person may appear and show cause, if any he has, why the proposed amended Budget should or should not be adopted.

STAFF REPORT: Mr. Tymesen stated that the City is nearing the end of the fiscal year and that it is time to bring forward an amendment. He clarified that the request tonight is to set a public hearing and that this is the second amendment for the fiscal year. Mr. Tymesen presented the amendment highlights to include that expenses are being covered with cash, building permit revenues are increasing beyond estimates, federal grants have been received, lowering of earlier estimated standpipe rent income to the general fund as the water fund is now overseeing the program, drug task force expenses, decreased interest earnings, and an increase in the sale of surplus items. He clarified that the line item entitled “holiday pay” has recently be renegotiated with the Police Association. This renegotiation causes two years’ worth of holiday pay to be paid out in one fiscal year; however, less will be paid out next year.

Mr. Tymesen clarified that the September 17, 2013 hearing will be the date the Council will be asked to approve the amendment. Councilman Gookin asked if the amendment could be amended prior to the hearing date. Mr. Tymesen stated that he hoped not. Councilman Gookin asked where the \$85,000 from the County was in the amendment. Mr. Tymesen stated that it was under other income.

MOTION: Motion by Goodlander, seconded by McEvers to adopt Resolution 13-046 and the setting of a public hearing for September 17, 2013.

ROLL CALL: McEvers Aye; Goodlander Aye; Gookin No; Kennedy Aye; Edinger Aye; Adams No. **Motion Carried.**

FRONT STREET – 2ND TO 3RD STREET PLAN

STAFF REPORT: City Engineer Gordon Dobler presented the modeling results, design, and funding options for the Front Avenue limited access closure. He stated that there were various iterations of design discussed. He clarified that there would continue to be access to the docks and loading bay’s to the Resort and that removable ballard’s would be installed for the limited access. The design allows for connectivity for bicycles and pedestrians and eliminates the conflicts with the driveway and vehicular site visibility problems. He reviewed the traffic study findings that found that right turn only lane on Sherman to 3rd Street will increase capacity and will improve the 3rd and Front intersection.

Councilman Kennedy asked Mr. Dobler to clarify the effect the design had on the rating of the intersections. Mr. Dobler stated that when they revised the design to re-open 4th Street, none of the existing ratings were downgraded. Due to the ability to model designs, he was able to determine if changes would affect the ratings. The idea to do two-way traffic on Third Street from Front Avenue to Lakeside Avenue brought the level of service up for left turns at Sherman Avenue and 3rd Street. Councilman Goodlander asked if Third Street to Lakeside Avenue will have left turn capabilities. Mr. Dobler stated that it would and clarified that there will be left turns allowed at Sherman Avenue. Councilman Goodlander stated that she is concerned that the one lane north or south from Lakeside Avenue would hold up traffic with left turn movements. Mr. Dobler stated that 4th Street is still open and with two-way traffic on 3rd Street from Front to Lakeside Avenues it balances out. Councilman Goodlander clarified that it will be like the current 2nd Street design. The additional lane on Sherman Avenue will be completed with the removal of parking in front of The Shops. Mr.

Dobler stated that he talked with the Resort and they were amenable to the change. Councilman Gookin asked about the design for the intersection on 3rd Street where the two southbound lanes end at Lakeside Avenue. Mr. Dobler explained that the right lane will be a right turn only and the left lane will flow through. The design moves the lane to the east to accommodate the flow, and the right lane will look at a curb, not oncoming traffic. This will give a visual clue that the lane does not continue. Councilman Gookin asked about the plan for Fourth Street. Mr. Dobler stated that it could be looked at based on the outcome of the Third Street flows. The Mayor asked if travel westbound on Lakeside Avenue would change. Mr. Dobler clarified that it does not change and that five parking spots will be lost on Third Street.

Councilman Edinger asked if there would be enough room for right turns from the boat launch. Mr. Dobler stated that the design removes some of the bulb out at the southwest corner and moves the through lane to widen it for this type of movement. He clarified that Lakeside provides a direct route to the four corners and Northwest Boulevard with less stops and might be a preferred route. Councilman Goodlander stated that the left turn lane (east bound) from Northwest Boulevard only has room for three cars and she is concerned about traffic backing up. Mr. Dobler stated that he believes the boat traffic will come directly down Sherman Avenue and use the new turn lane. Councilman Edinger asked how much the project will cost.

Councilman Kennedy reiterated that the Council did vote 5-1 on the restricted access of this area in January and that this was not a staff-determined direction. Mr. Dobler stated that this is an opportunity to solve the pedestrian/vehicular conflict. Councilman McEvers stated that 6th Street will be an entrance and an exit and that most of the boat traffic will use 3rd Street. He felt that it looked weird; however, believes the flow will change because of the exits from the parking at 6th Street. Mr. Dobler clarified that Front Avenue improvements are included in the LID and the additional costs would be the additional work on 3rd Street at a cost of \$150,000 to \$200,000 and that it could be paid for out of the project contingency fund. Councilman Goodlander clarified that there is also a vehicular entrance at Third Street. Mr. Dobler stated that the flow of the parking sends traffic out at 6th Street.

Councilman Kennedy stated that earlier discussions included contributions from the abutting land owner; however, that is not the current case. He believes that there is no reason not to do this project, as the only change since January is that the Hagadone Corporation will not be putting their own funds in to beautify this area. Mr. Dobler reiterated that the problems at the Front and 3rd Street intersection cannot be easily solved. Councilman Edinger asked if there were any studies or information demonstrating accidents or injuries at the intersection. Mr. Gordon stated that he could get the accident reports. Councilman Adams asked if the project can still be funded without any contributions from the Hagadone Corporation. Mr. Dobler clarified that with the Stormwater Utility picking up cost of the storm drain along 3rd Street, the contingency fund can handle this expense. The Mayor clarified that the Hagadone Corporation was still included in the LID.

MOTION: Motion by Kennedy, seconded by McEvers to accept the Front Street concept and funding sources and direct staff to move forward with design.

DISCUSSION: Councilman Kennedy clarified that there were previous discussions about doing something more elaborate with the Hagadone Corporation but the safety considerations are still a

priority and he believes that vehicular traffic will adapt. He recalls many conversations during the Thursday morning project meetings with the design group regarding the safety of that intersection. Councilman Goodlander stated that she will vote against the motion and believes it will cause bottlenecks that are unnecessary and that there are other options. She stated that she is concerned that the City did not talk with other downtown business owners. Councilman Kennedy stated that there were discussions with groups prior to the January meeting. Councilman Adams asked if the plan came through the Pedestrian/Bike Committee. Mr. Dobler stated that he is confident that Mr. Eastwood and/or Mr. McCully have talked with the committee. Ms. Gabriel stated that as they firm up the design they will be sure to provide it to the committee.

Councilman Adams asked what the completion date would be. Mr. Dobler stated that it would be completed in two phases, with Third Street work done with Front Avenue, and the piece on Front Avenue between 2nd and 3rd Streets done in the spring. Councilman Gookin asked if the funding from the Hagadone Corporation could be requested at a later date. Mr. Dobler believes there is a window before we build for them to participate. Councilman Gookin stated that he does have traffic flow concerns. Councilman McEvers said that he has faith in the City Engineer and that people learn to drive alternative routes, as in the example of the roundabouts. Additionally, he believes that safety is the most important factor. Councilman Kennedy stated that it is no secret that the Resort would like to add rooms above the building across the street, which might be good timing for them to add to the beautification of the project. Currently, the City has to deal with the safety and should do the right thing now. Councilman Edinger called for question. Motion Carried.

ROLL CALL: Gookin No; Kennedy Aye; Edinger No; Adams Aye; McEvers Aye; Goodlander No. Mayor Bloem broke the tie with an affirmative vote. **Motion Carried.**

RESOLUTION 13-047

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ADDENDUM TO THE LEASE AGREEMENT WITH THE ELEVENTH STREET DOCK OWNERS ASSOCIATION, INC.

STAFF REPORT: Ms. Gabriel stated that the City currently leases space to the Eleventh Street Dock Owners Association which needs to be amended to include the recent dock assignment to the City fire vessel and the addition of temporary dock moorage space for other emergency vehicles and the clarification that an electronic access code will be provided.

MOTION: Motion by Edinger, seconded by Gookin to adopt Resolution 13-047.

ROLL CALL: Gookin Aye; Kennedy Aye; Edinger Aye; Adams Aye; McEvers Aye; Goodlander Aye. **Motion carried.**

RECESS: The Mayor called for a 5-minute recess at 7:41 p.m. The meeting resumed at 7:45 p.m.

LID 150- FINAL ASSESSMENT ROLL FOR THE GOVERNMENT WAY IMPROVEMENT PROJECT

STAFF REPORT: Mr. Dobler stated there were three action items tonight to accept the final assessment, determine the disposition of protest and to adopt an Ordinance. He explained that the majority of the costs were associated with water line installations. He stated that each of the owners was notified of the preliminary assessments and that the final costs came in below the original preliminary assessments. The total LID assessment is \$180,024 and no general funds were involved in this LID. Councilman Gookin asked who previously provided the water/sewer on Government way prior to the project. Mr. Dobler stated that there were some septic tanks and water came from the City of Dalton. Councilman McEvers asked if this project increased the property values. Mr. Dobler stated that he assumed it would as they now have adequate fire service.

Mr. Dobler read the two protests to the LID. He stated that the Leo Trust was a larger parcel. There was notice send to this property and the assessment has gone down from the preliminary assessment. There was some partial access during the project; however, a roadway project like this one cannot be built without some traffic impacts. The interest rate to finance the LID assessment will be 4% over ten years. Councilman McEvers asked if there had been conversation with the property owners during the project. Mr. Dobler stated that he had not specifically talked to the person who wrote the protest letter; however, there was notice sent to the property owners and public meetings were held. He recommends denial of the Leo Trust protest.

Mr. Dobler stated that the Castellanos parcel assessment had been decreased from the preliminary assessment. The preliminary assessment was \$13,329 with the final being \$10,542, so he would recommend denial of this protest. Mr. Dobler clarified that the City did buy property along Government Way and that it did not go to condemnation on any parcel. He stated that the road project went well and that JUB Engineering staff had communicated with the property owners throughout the project. Councilman McEvers stated that he was concerned that the property owner might not understand the project and process and asked that Mr. Dobler talk to them. Mr. Dobler stated that the project provides water and sewer that they did not have access to previously. Councilman Edinger stated that during construction he had a business owner contact him with problems and received feedback thereafter that they were happy with the end results. Councilman Goodlander recalled that the City did provide the property owners with substantial savings and provide value to the property owners and asked Mr. Dobler to clarify how the savings was achieved. Mr. Dobler stated that the City partnered with the City of Hayden to install the sewer line and the costs were absorbed by the Wastewater Utility and not passed along to the property owners.

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

MOTION: Motion by Kennedy, seconded by McEvers to deny the written protest submitted by *Edgar and Nelly Castellanos*. **Motion Carried.**

MOTION: Motion by Kennedy, seconded by McEvers to deny the written protest submitted by *Leo J. Lee Trust*. **Motion Carried.**

RESOLUTION 13-048

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, HEARING, CONSIDERING AND DISPOSING OF PROTESTS REGARDING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENT DISTRICT NO. 150; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

MOTION: Motion by Kennedy, seconded by Edinger to adopt Resolution 13-048.

ROLL CALL: Gookin Aye; Kennedy Aye; Edinger Aye; Adams Aye; McEvers Aye; Goodlander Aye. **Motion Carried.**

ORDINANCE NO. 3468 Council Bill No. 13-1013

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AND CONFIRMING THE ASSESSMENT ROLL OF ITS LOCAL IMPROVEMENT DISTRICT NO. 150 FOR THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF IMPROVEMENTS TO SAID WATER AND SEWER LINES AND FACILITIES WITHIN THE LIMITS OF LOCAL IMPROVEMENT DISTRICT NO. 150; PROVIDING FOR ASSESSMENTS; PROVIDING FOR THE APPEAL PROCEDURE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

MOTION: Motion by Kennedy, seconded by McEvers to pass the first reading of Council Bill No. 13-1013

ROLL CALL: Kennedy Aye; Edinger Aye; Adams Aye; McEvers Aye; Goodlander Aye; Gookin Aye. **Motion Carried.**

MOTION: Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 13-1013 by its having had one reading by title only.

ROLL CALL: Kennedy Aye; Edinger Aye; Adams Aye; McEvers Aye; Goodlander Aye; Gookin Aye. **Motion Carried.**

EXECUTIVE SESSION: Motion by Goodlander, seconded by McEvers to enter into Executive Session as provided by I.C. 67-2345 §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 at executive session does not satisfy this requirement.

ROLL CALL: Edinger Aye; Adams Aye; McEvers Aye; Goodlander Aye; Gookin Aye; Kennedy Aye. **Motion carried.**

ADJOURNMENT: Motion by McEvers, seconded by Edinger that there being no further business before the Council that this meeting is adjourned. **Motion carried.**

The meeting adjourned at 8:55 p.m.

Sandi Bloem, Mayor

ATTEST:

Renata McLeod, City Clerk

RESOLUTION NO. 13-049

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 CHANGE ORDERS NO. 1 AND 2 TO THE AGREEMENT WITH MDM CONSTRUCTION FOR THE 2013 OPEN TRENCH PROJECT AND APPROVING A REQUEST FOR WATER SERVICE OUTSIDE CITY LIMITS FROM SUSAN AND ROBERT ERICKSON FOR 3982 N. HERBS LANE AND APPROVAL OF AN AGREEMENT WAIVING OPPOSITION TO ANNEXATION.

WHEREAS, it has been recommended that the City of Coeur d'Alene enter into the contract(s), agreement(s) or other actions listed below pursuant to the terms and conditions set forth in the contract(s), agreement(s) and other action(s) documents attached hereto as Exhibits "A through B" and by reference made a part hereof as summarized as follows:

- A) Approving Change Orders No. 1 and 2 to the Agreement with MDM Construction for the 2013 Open Trench Project;
- B) Approving a request for Water Service Outside City Limits from Susan and Robert Erickson for 3982 N. Herbs Lane and Approval of an Agreement Waiving Opposition to Annexation;

AND;

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreements or other actions; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into agreements or other actions for the subject matter, as set forth in substantially the form attached hereto as Exhibits "A through B" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreements or other actions so long as the substantive provisions of the agreements or other actions remain intact.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and they are hereby authorized to execute such agreements or other actions on behalf of the City.

DATED this 3rd day of September, 2013.

Sandi Bloem, Mayor

ATTEST

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER GOODLANDER Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER ADAMS Voted _____

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

PUBLIC WORKS COMMITTEE STAFF REPORT

DATE: August 26, 2013
FROM: James Remitz, Capital Program Manager
SUBJECT: Approval of Change Orders No. 1 and No. 2 – 2013 Open Trench Project.

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DECISION POINT:

The City Council may wish to approve Change Orders No. 1 and No. 2 for a total of \$4,210.36 to amend the Agreement between the City of Coeur d’Alene and MDM Construction, Inc. for the construction of the 2013 Open Trench Project. Approval of the change orders will increase the total contract amount of the Agreement from \$355,650.00 to \$359,860.36.

HISTORY:

Construction of the 2013 Open Trench project commenced April 22, 2013 and involved the installation of 850 L.F. of new 8 inch sewer main within Fernan Lake Road, the re-routing of 14 residential sewer services, abandonment of the existing defective sewer main and associated restoration work within the Fernan Lake Terrace subdivision. MDM Construction, Inc. constructed the project and achieved substantial completion on July 3, 2013.

PERFORMANCE ANALYSIS:

Change Order No. 1 (\$3,641.62) is the extra cost to modify the residential lift station dry well and pump appurtenances installed at 2914 Fernan Court. These modifications were necessary due to the required extra depth of the lift station when the service lateral for this residence was discovered to be approximately 3 feet deeper than anticipated.

Change Order No. 2 (\$568.74) is the total of 1) additional work items and changes in the work and 2) the adjustment of the final quantities of bid items for the project.

FINANCIAL ANALYSIS:

Approval of these change orders will increase the contract amount by a total of \$4,210.36. Funding for these change orders will come from the approved 2012-2013 City of Coeur D’Alene Wastewater Operating Fund budget. Funds have been budgeted and are available in account # 031-022-4352-7901.

RECOMMENDATION:

Approval of Change Orders No.1 and No. 2, a total cost increase of \$4,210.36 to the City’s agreement with MDM Construction, Inc. for a total construction amount of \$359,291.62.

CHANGE ORDER

No. One (1)

DATE OF ISSUANCE: 22-May-13 EFFECTIVE DATE: 22-May-13

Project: 2013 Open Trench Project	Owner: City of Coeur d'Alene	Owner's Contract No.:
Contract: 2013 Open Trench Project		Notice to Proceed: April 17, 2013
Contractor: MDM Construction, Inc.		Engineer's Project No.: 20-12-011

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Address 2914 E. Fernan Ct - Modify the lift station wet well diameter to be 36" with a depth of 12'. Provide a guide rail (Sch 40 SS guide rails) system for pump retrieval.

Attachments (list documents supporting change):

MDM CP No. 13-A-Upsize Lift Station at 2914 Fernan Ct, May 16, 2013 (3 pgs.)

JUB Request for Change Order Proposal No. 1, May 8, 2013 (1 pg.)

CHANGE IN CONTRACT PRICE:

Original Contract Price

\$355,650.00

~~Increase~~~~Decrease~~ from previously approved Change Orders No. -0- to No. -0-

\$0.00

CHANGE IN CONTRACT TIMES:

Original Contract Times Working days Calendar days

Substantial Completion (days or date): June 16, 2013 (60 Calendar Days)

Ready for final payment (days or date): July 16, 2013 (90 Calendar Days)

Substantial Completion (days or date): June 16, 2013 (60 Calendar Days)

Ready for final payment (days or date): July 16, 2013 (90 Calendar Days)

Contract Price prior to this Change Order:

\$355,650.00

Contract Times prior to this Change Order:

Substantial Completion (days or date): N/A

Ready for final payment (days or date): July 16, 2013 (90 Calendar Days)

~~Increase~~ ~~Decrease~~ of this Change Order

\$ 3,641.62

~~Increase~~ ~~Decrease~~ of this Change Order

Substantial Completion (days or date): -0- Days

Ready for final payment (days or date): -0- Days

Contract Price incorporating this Change Order:

\$359,291.62

Contract Times with all approved Change Orders:

Substantial Completion (days or date): 16-Jun-13

Ready for final payment (days or date): 16-Jul-13

RECOMMENDED:

BY:  _____

Engineer (Authorized Signature)

DATE: _____

ACCEPTED:

BY: _____

Owner (Authorized Signature)

DATE: _____

ACCEPTED:

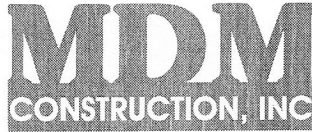
BY: _____

Contractor (Authorized Signature)

DATE: _____

Approved by Funding Agency (if applicable):

Date: _____



PO Box 2006
Hayden, ID 83835
Ph. (208) 762-7236 • Fax (208) 772-2486

LETTER OF TRANSMITTAL

To: JUB Engineers
7825 Meadowlark Way
Coeur d'Alene, ID 83815

Date: May 16, 2013

Attn: Pete Stayton

Project: 2013 Open Trench
Project No.: 13043

We Are Sending You: Enclosed Under Separate Cover Via _____ the following items:

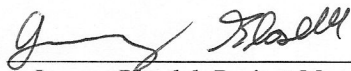
- Contract
- Estimate/Proposal
- Change Order
- Plans/Specs
- Copy of Letter/Memo
- Submittal(s)
- Other:

ITEM	DATE	COPIES	DESCRIPTION
1	5/16/13	1	Cost Proposal #13-A-Upsize Lift Station at 2914 Fernan Ct.

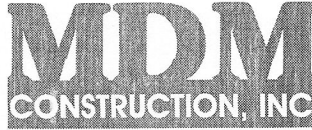
These are transmitted as indicated below::

- For Review/Comment
- Approved
- Resubmit _____ copies for approval
- For Processing
- Approved as Noted
- Submit _____ copies for distribution
- For Approval
- Returned for Corrections
- Other:

Comments:

Signed: 
Jeremy Blasdel, Project Manager

cc: File



PO Box 2006
Hayden, ID 83835
Ph. (208) 762-7236 • Fax (208) 772-2486

To: JUB Engineers

Date: May 16, 2013

Project: 2013 Open Trench

CP No.: #13-A

Subject: Cost Proposal #13-A-Additional costs to upsize lift station at 2914 E. Fernan Ct. to a 36"x144" lift station with guide rails. This cost is above and beyond the \$7,500 unit price in the contract. Total amount for this lift station is \$11,300.00

Submitted herewith is the change order work described below:

<u>DESCRIPTION:</u>	<u>EST. QTY.</u>	<u>UM</u>	<u>UNIT PRICE</u>	<u>EST. AMT.</u>
Upsize Lift Station at 2914 E. Fernan Ct. to a 36"x144" Lift Station with Guide Rails	1	LS	\$3,641.62	\$3,641.62
Total Estimated Amount				\$3,641.62

Note: Additional contract time is dependent on response of work as there is a three week lead time for the materials needed. No materials will be ordered until cost proposal is accepted.

Total Estimated Amount: \$3,641.62

Additional Contract Time: (working days)

Respectfully Submitted,
MDM Construction, Inc.

By: Jeremy Blasdel
Jeremy Blasdel
Project Manager

This cost proposal is accepted and is to be incorporated into the contract by change order.

By: _____

Date: _____



<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>U/P</u>	<u>Total</u>
CP13 Additional work and costs for upsizing the lift station at 2914 Fernan Ct.	1.00	LS		\$3,641.62
Labor(excavation and backfill)				
Labor	6.00	HR	\$24.34	\$146.04
Operator	3.00	HR	\$33.13	\$99.39
			Subtotal	\$245.43
			20% Markup on Labor	\$49.09
				\$294.52
Equipment				
Cat 304 Mini Excavator	1.50	HR	\$41.00	\$61.50
Cat 305 Mini Excavator with compactor	1.50	HR	\$47.00	\$70.50
Jumping Jack	1.50	HR	\$10.00	\$15.00
			Subtotal	\$85.50
			20% Markup Equipment	\$17.10
				\$102.60
Subcontractors				
R.C. Worst-Upsize of unit	1.00	EA	\$3,090.00	\$3,090.00
			Subtotal	\$3,090.00
			5% Markup on Subs	\$154.50
				\$3,244.50
Total Cost				\$3,641.62



REQUEST FOR CHANGE ORDER PROPOSAL

To: Jeremy Blasdel
MDM Construction, Inc.
P.O. Box 2006
Hayden, Idaho 83835

Date: May 8, 2013
Project: City of CdA 2013 Open Trench Project
Project No.: 20-12-011

FROM: Peter M. Stayton, P.E.

REQUEST NO: One (1) – Residential Sewage Lift Station - 2914 Fernan Ct

This request for Change Order proposal is provided as a description of the proposed Work which may eventually be included a Change Order. This request does not constitute an authorization for a variation in the Work, the Contract Price, or Contract Times. The Contract Price and Contract Times may only be changed by a Change Order in accordance with General Conditions Article 12.

You are requested to submit a Change Order Price Proposal to complete the following:

Reference:

11060

(Specification Section(s))

C-311, C-502

(Drawing(s) / Detail(s))

Description:

The following changes are being requested due to field-verified sewer service invert elevation:

1. Address 2914 E. Fernan Ct - Modify the lift station wet well diameter to be 36" with a depth of 12'. Provide a guide rail (Sch 40 SS guide rails) system for pump retrieval.

Please provide an itemized cost detail including a material and labor cost estimate and attach supporting documentation as necessary.

Change in Contract Price

Change in Contract Times:

\$ _____

_____ Calendar Days

Proposal Submitted By:

Contractor (Authorized Signature)

Date: _____

CHANGE ORDER
No. Two (2)

DATE OF ISSUANCE: 14-Aug-13 EFFECTIVE DATE: 14-Aug-13

Project: 2013 Open Trench Project	Owner: City of Coeur d'Alene	Owner's Contract No.:
Contract: 2013 Open Trench Project	Notice to Proceed: April 22, 2013	
Contractor: MDM Construction, Inc.	Engineer's Project No.: 20-12-011	

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

See attached breakdown.

Attachments (list documents supporting change):

See attached breakdown.

CHANGE IN CONTRACT PRICE:

Original Contract Price

\$355,650.00

[Increase]-[Decrease] from previously approved
Change Order No. -1

\$3,641.62

Contract Price prior to this Change Order:

\$359,291.62

[Increase] [Decrease] of this Change Order

\$ 568.74

Contract Price incorporating this Change Order:

\$359,860.36

CHANGE IN CONTRACT TIMES:

Original Contract Times

Working days Calendar days

Substantial Completion (days or date): June 21, 2013 (60 Calendar Days)

Ready for final payment (days or date): July 21, 2013 (90 Calendar Days)

[Increase]-[Decrease] from previously approved Change Order No. -1

Substantial Completion (days or date): 3-Jul-13

Ready for final payment (days or date): 2-Aug-13

Contract Times prior to this Change Order:

Substantial Completion (days or date): 3-Jul-13

Ready for final payment (days or date): 2-Aug-13

[Increase]-[Decrease] of this Change Order

Substantial Completion (days or date): 0 days

Ready for final payment (days or date): -0- Days

Contract Times with all approved Change Orders:

Substantial Completion (days or date): 3-Jul-13

Ready for final payment (days or date): 2-Aug-13

RECOMMENDED:

BY: [Signature]
Engineer (Authorized Signature)

DATE: August 14, 2013

ACCEPTED:

BY: _____
Owner (Authorized Signature)

DATE: _____

ACCEPTED:

BY: [Signature]
Contractor (Authorized Signature)

DATE: 8/14/13

Approved by Funding Agency (if applicable): _____

Date: _____

Detail Description							Change Order No. 2		
For (Contract):				City of Coeur d'Alene 2013 Open Trench Project			Effective Date: Aug 14, 2013		
Contractor:				MDM Construction, Inc.			Date of Issuance: Aug 14, 2013		
Item				Bid Quan	As-Built Quan	Quan Adjust	Unit of Mst.	Unit Price	Change Order Value
Change Order Item No.	Bid Item No.	Description							
Changes in the Work									
2.01	N/A	(CP1) Extra work performed at address 3003 N. Fernan Lake Rd: Remove and Salvage Existing Pavers; Retain and Protect Existing Concrete Steps; Saw cut existing concrete slab approximately 3-6" away from perimeter of steps; Remove and replace existing concrete slab connect new slab near steps; Install new Pavers to concrete; Purchase new pavers; excavating service 5.85' deeper than shown on plans, requiring additional shoring safety equipment.		0.00	1.00	1.00	LS	\$8,065.79	\$8,065.79
2.02	N/A	(CP2) Extra work performed for hammering Manhole.		0.00	1.00	1.00	LS	\$532.01	\$532.01
2.04	N/A	(CP4) Extra ACP removal depth proposed increase in bid quantity. Found asphalt depths up to 12" not shown on plans.		0.00	1.00	1.00	LS	\$1,500.00	\$1,500.00
2.06	N/A	(CP6) Extra work performed at 3005 N. Fernan Lake: Costs incurred looking for service at 3005 N. Fernan Lake Rd. Excavated 6' extra depth looking for service where depicted on plans, called in locator and discovered to be on opposite side of house. Material found to be wet and unstable, MDM had concern with proceeding and consulted owner for direction. Per terms agreed upon between homeowner at 3005 N. Fernan Lake Rd. and the City of Coeur d' Alene, MDM constructed parking pad for homeowner located at east end of the project. Removed/ replaced existing concrete sidewalk and grout steps section due to pothole. Graded west side of house for grassy swale, hydroseed. Repaired roof fascia & gutter.		0.00	1.00	1.00	LS	\$1,542.12	\$1,542.12
2.07	N/A	(CP7) Extra work performed at 2918 N. Fernan Lake. Costs incurred looking for service at 2918 N. Fernan Lake Rd. Excavated in location depicted on plans, no service found. Called in locator, service found by Lateral Concepts on opposite side of house.		0.00	1.00	1.00	LS	\$675.56	\$675.56
2.08	N/A	(CP8) Extra cost incurred replacing 3 water services. MDM encountered water services located at 302, 2319 and 3003 N. Fernan Lake Rd. where AC water main had to be replaced per contract. Water service boxes also had to be replaced because they were fragile and crumbled during removal. This was an unforeseen condition that needed repair per JUB direction in the field.		0.00	1.00	1.00	LS	\$1,556.62	\$1,556.62

Detail Description							Change Order No. 2		
For (Contract):				City of Coeur d'Alene 2013 Open Trench Project			Effective Date: Aug 14, 2013		
Contractor:				MDM Construction, Inc.			Date of Issuance: Aug 14, 2013		
Item		Description	Bid Quan	As-Built Quan	Quan Adjust	Unit of Mst.	Unit Price	Change Order Value	
Change Order Item No.	Bid Item No.								
2.1	N/A	(CP10) Mis-located water in front yard. Costs searching for 2" water service shown on plans and painted out by Coeur d' Alene water department as if it was located, water service was never found per plans and locates.	0.00	1.00	1.00	LS	\$851.76	\$851.76	
2.11	N/A	(CP11) Costs incurred looking for service at 2903 N. Fernan Lake Rd. Costs incurred searching for sewer service at 2903 N. Fernan Lake Rd. Excavated in location depicted on plans down to 2134.24, plan elevation. Service found further north of location depicted.	0.00	1.00	1.00	LS	\$369.13	\$369.13	
2.14	N/A	(CP14) Costs incurred looking for service at 2902 E. Fernan CT. Excavate and search for service at 2902 E Fernan Ct. Rick Edmonson from United Locators Inc. came out to help MDM find services using Fish Tape at 2902 Fernan CT. Service at 2902 could not be located with fish tape.	0.00	1.00	1.00	LS	\$642.69	\$642.69	
2.15	N/A	(CP15) Costs incurred looking for service at 3000 E. Fernan Ct. Excavate and search for service at 3000 E Fernan Ct. Rick Edmonson from Locate Inc. came out to help MDM find services using Fish Tape at 3000 E. Fernan CT.	0.00	1.00	1.00	LS	\$388.41	\$388.41	
2.16	N/A	(CP16) T&M for extra concrete removal at 3007. Re-cut and remove concrete approaches (395SF) per JUB Engineers at 3007. This was to avoid removing valuable tree at 3005.	0.00	1.00	1.00	LS	\$1,075.22	\$1,075.22	
2.17	N/A	(CP17) T&M for over excavation and put back (3003, 3004, 3005, 3007 & LS yard). Over excavate and put back Ballast, ¾" Base Rock for 3003, 3004, 3005, 3007, and yard approach per JUB and City.	0.00	1.00	1.00	LS	\$11,340.61	\$11,340.61	
2.18	N/A	(CP18) T&M Re-alignment of water service. Vertically re-align water main as sewer service ran into the water main at 3004.	0.00	1.00	1.00	LS	\$955.99	\$955.99	
2.19	N/A	(CP19) Video Services (Roto-Rooter). Share of sewer video services cost.	0.00	1.00	1.00	LS	\$469.67	\$469.67	
2.2	N/A	(CP20) T&M 3005 West Side Work. 3005 West Side work. Remove Bush. Remove/replace sidewalk. Repair steps. Install Swale. Repair asphalt sawcut.	0.00	1.00	1.00	LS	\$1,847.16	\$1,847.16	
2.21	N/A	(CP21) Contract Adjustment for 2" and 4" Sewer Services.	0.00	1.00	1.00	LS	\$9,000.00	\$9,000.00	
Subtotal (Changes in the Work)								\$40,812.74	
Quantity Adjustments									
2.22	304.4.1.C.1	Trench Foundation Stabilization	847	0	-847.00	LF	\$3.00	-\$2,541.00	
2.23	306.4.1.E.1	Service/ Utility Trench Backfill	2,315	66	-2,249.00	LF	\$4.00	-\$8,996.00	

Detail Description							Change Order No. 2	
For (Contract):				City of Coeur d'Alene 2013 Open Trench Project			Effective Date: Aug 14, 2013	
Contractor:				MDM Construction, Inc.			Date of Issuance: Aug 14, 2013	
Item			Bid Quan	As-Built Quan	Quan Adjust	Unit of Mst.	Unit Price	Change Order Value
Change Order Item No.	Bid Item No.	Description						
2.24	306.4.1.H.1	Imported Trench Backfill Material	847	166	-681.00	LF	\$10.00	-\$6,810.00
2.25	307.4.1.E.1	Type "C" Surface Restoration (Gravel Roadway)	101	0	-101.00	SY	\$18.00	-\$1,818.00
2.26	401.4.1.A.1	Water Main Pipe - Size 6" - Type PVC C-900	105	64	-41.00	LF	\$53.00	-\$2,173.00
2.27	401.4.1.A.1	Water Main Pipe - Size 8" - Type PVC C-900	127	21	-106.00	LF	\$48.00	-\$5,088.00
2.28	405.4.1.A.1	Non-Potable Main Line Separation	16	14	-2.00	EA	\$450.00	-\$900.00
2.29	405.4.1.B.1	Water Main Fitting – Size 6" - Type Mechanical Coupling	14	10	-4.00	EA	\$100.00	-\$400.00
2.3	405.4.1.B.1	Water Main Fitting – Size 8" - Type Mechanical Coupling	16	2	-14.00	EA	\$125.00	-\$1,750.00
2.31	504.4.1.A.1	Sewer Service Line - Size 2"	290	105.00	-185.00	LF	\$55.00	-\$10,175.00
2.32	504.4.1.A.1	Sewer Service Line - Size 4"	2,150	1,923.00	-227.00	LF	\$41.00	-\$9,307.00
2.33	601.4.1.A.1	Storm Drain Pipe - Size 8" Type PVC ASTM D2241 Class 160	55	47.50	-7.50	LF	\$34.00	-\$255.00
2.34	706.4.1.F.1	Concrete Driveway Approach	7	102.00	95.00	SY	\$120.00	\$11,400.00
2.35	SP-02510.4.1.A.1	Superpave HMA, Class SP-3, 1/2" Aggregate	590	661.40	71.40	TON	\$85.00	\$6,069.00
2.36	SP-11060.4.1.A.1	Residential Sewage Lift Station	2	1.00	-1.00	EA	\$7,500.00	-\$7,500.00
Subtotal (Quantity Adjustments)								-\$40,244.00
Total (this Change Order)								\$568.74

**CITY COUNCIL
STAFF REPORT**

DATE: September 3, 2013
FROM: Terry Pickel, Assistant Water Superintendent
SUBJECT: Request by Bob Erickson, 3982 N Herbs Lane (Nettleton Gulch) for Service Outside City Limits.

=====

DECISION POINT:

Water Department Staff requests Council determination as to whether Mr. Bob Erickson of 3982 N Herbs Lane meets the exceptions to the Policy for Water Service Outside City Limits and the Policy Amendment adopted by resolution 05-003.

HISTORY:

Mr. Bob Erickson of 3982 N Herbs Lane approached Water Department staff in 2012 to apply for water service due to a failing well. Mr. Erickson was informed that as his property was currently outside of city limits, unless there was a prior right through Idaho Water, he could not be granted a service unless he were to annex into the city. Unfortunately, his property is not contiguous to the city limits so annexation would not be possible unless he were to gain frontage adjacent to the city limits. Mr. Erickson was also encouraged to use the city's Project Review process to gather required information and potential fees associated with annexation. Mr. Erickson ultimately was not able to acquire frontage to allow annexation. With the serious lack of ground water recharge this summer, his well is currently not able to maintain sufficient production to provide the absolute essential needs of his single family dwelling.

FINANCIAL ANALYSIS:

If Mr. Erickson's application for service is approved by Council, he will be required to pay capitalization fees of \$2,157.00, standard hookup fees of \$1,930.00, an asphalt patching fee of \$950.00 and the MXU fee of \$130.00. The grand total of fees due to the Water Department would then be \$5,167.00. If solid rock is encountered, there may be some additional charges for special equipment if needed. This will provide service to his property line. Mr. Erickson will then be responsible for installation of the service from the meter box to his residence.

PERFORMANCE ANALYSIS:

Installation of the single service to Mr. Erickson's property will not impact the water system in the area as it can adequately serve the additional capacity. However, there will be a pressure issue for Mr. Erickson to deal with. The elevation of his current dwelling is well above the maximum service elevation of the General Zone. Unfortunately, this is the only main he has direct access to. In order to provide adequate pressure to the dwelling, a private booster pump system will be required. It will be up to Mr. Erickson to install and maintain this system. Mr. Erickson would also be required to waive any opposition to future annexation and convey all water rights associated with the property to the city as a condition of service.

DECISION POINT/RECOMMENDATION:

Staff requests that City Council determine whether Mr. Bob Erickson of 3982 N Herbs Lane meets the exceptions to the Policy for Water Service Outside City Limits and the Policy Amendment adopted by resolution 05-003.

POLICY: WATER SERVICE OUTSIDE CITY LIMITS

Goals:

To the extent possible it is the intention of this policy to:

- Limit new water service outside City limits to those properties that have a grandfathered/vested right to water service created by, monetary participation by the owner or a predecessor in interest, in construction of the main that would provide service to the property.
- Require qualifying properties to annex if possible or require the owner to consent to future annexation.
- Limit those properties outside City limits qualifying for water service to one residential (single family residence, ¾" meter) hook up for each parcel/lot existing at the time the property qualified to receive water service.
- Ensure the integrity of City boundaries.
- Minimize expenses for the City Water Dept. in upgrading facilities solely serving properties outside City limits.
- Ensure that the quality and quantity of City water service for City residents is not diminished by providing new water service outside City limits.
- Require the party seeking service to establish a right to the service.

Policy:

1. Annexation. A party seeking water service for a parcel outside City limits must annex into the City prior to receiving water service if the parcel is contiguous to the City limits. The party seeking annexation is responsible for all costs and fees associated with the annexation of their parcel.
2. Service Outside City Limits: If the party seeking water service cannot satisfy the annexation requirement, the party may be entitled to one residential hook up for a single family residence (¾ inch meter) if they can prove by a preponderance of the evidence that they meet all of the following conditions as well as one of the exceptions listed below in section 3:
 - A. The parcel or lot abuts a city water service main to which another service line can reasonably be connected; and
 - B. The City's water service to other customers will not be reduced below adopted standards if the requested water service is provided; and
 - C. The property owner signs an agreement consenting to subsequent annexation by the City at the City's discretion; and

D. The property owner agrees, in writing, to convey, without cost, all water rights attached to the parcel to the City upon request.

3. Exceptions: If the party seeking water service meets the conditions in section 2 above, they may be entitled to water service if they can prove by a preponderance of the evidence that they meet one of the following exceptions:

A. Approved Subdivisions: Each originally platted lot in the following subdivisions is entitled to one residential (3/4" meter) connection. If the lot, as originally platted has been further subdivided, the connection will be given to the first party who seeks service and meets the requirements of this policy.

- i. Approved Subdivision list:
 - a. Ponderosa Park.
 - b. Ponderosa Terrace.
 - c. Springview Terrace 1st addition.
 - d. Les James Subdivision.
 - e. Sky Blue Acres.
 - f. Aqua Terrace.
 - g. Nob Hill.
 - h. Rivercal Subdivision.
 - i. Morse Subdivision.
 - j. Stanley Hill Terrace.

B. Existing Residence with Failing Water Service: The owner of a parcel with an existing residence will be allowed one residential connection (3/4" meter) if the owner can prove by a preponderance of the evidence that the parcel's current water service is failing for reasons outside the parcel owner's control and there is no reasonable cost effective alternative to seeking City water service.

C. Other Qualifying Parcels: Owners of parcels not meeting any of the other exceptions listed in this section may be allowed one residential connection (3/4" meter) if they can prove, by a preponderance of the evidence, that the parcel for which service is being sought has a grandfathered right to water service. In order to establish that the parcel has a grandfathered right the owner must establish that the City or one of its predecessors specifically agreed, in writing, to provide water service to the parcel. This may be established by showing that the developer of the lot had a written agreement with the City or its predecessor to provide water to the lot in question or by establishing that the developer of the lot participated in the funding of the water main extension to the lot. It is not sufficient to merely establish that the lot is within an area where service would have been provided by the City under a previous policy or by one of its predecessors.

AMENDMENT TO THE POLICIES AND PROCEDURES
RESPECTING THE WATER SERVICE AREA AND MAIN EXTENSIONS
OUTSIDE CITY OF COEUR D'ALENE LIMITS

It continues to be the policy of the City of Coeur d'Alene to provide no water main extensions within the Ultimate Service Boundary until such time as the affected property or properties to be served have been annexed to the City, except as provided in Exhibit B to Resolution 82-61 and this amendment.

1. Additional Exceptions.

In addition to compliance with all of the City of Coeur d'Alene policies and procedures respecting connection to the City's water service for parcels outside the City limits of the City of Coeur d'Alene, the City will allow one residential water hookup (3/4 inch meter) to an existing residence not otherwise eligible to receive water service from the City of Coeur d'Alene if the City has adequate water resources to provide the service and if the City Council finds to its satisfaction that:

- a. The parcel to be serviced is not contiguous to the City boundary and cannot be annexed at the time of the request; and
- b. The parcel abuts a city water service main to which another service line can reasonably be connected; and
- c. The parcel's current water service is failing for reasons not within the parcel owner's control and there are no reasonable cost effective alternatives to seeking water service from the City; and
- d. The parcel owner signs a document evidencing consent to subsequent annexation by the City of Coeur d'Alene at such time the annexation is convenient for the City.
- e. The parcel owner agrees to transfer any water rights, at his or her expense, to the City upon request.

AGREEMENT WAIVING OPPOSITION TO ANNEXATION

THIS AGREEMENT, made and dated this 3rd day of September, 2013, by and between the **City of Coeur d'Alene**, Kootenai County, Idaho, a municipal corporation organized and existing under the laws of the State of Idaho, hereinafter referred to as the "City," **Susan and Robert Erickson**, husband and wife, hereinafter referred to as the "Owners,"

WITNESSETH: That in consideration of the City permitting connection for water service to the property as described in Exhibit "A", attached hereto and incorporated herein, and as described as follows, to wit:

***3982 N Herbs Lane, Coeur d' Alene, ID 83814
Tax #21914, Tax #21915 Section 06 Township 50 N Range 03W, Kootenai
County, Idaho***

the Owners do hereby agree on behalf of themselves, their heirs, assigns, and successors in interest, as follows:

1. That at such time as the City of Coeur d'Alene deems it advisable to annex the hereinbefore described property to the City of Coeur d'Alene, the Owners of said property agree and covenant that they will not oppose annexation of said property to the City of Coeur d'Alene and will cooperate to the fullest extent with the City in the annexation of such property.

2. That all costs and fees for connecting to and providing water service including but not limited to plumbing costs, connection fees (i.e., capitalization fees), hookup fees, excavation cost and fees shall be borne by the Owners and no cost whatsoever shall accrue to the City of Coeur d'Alene for the provision of such water service.

3. That the connection to the City's water service shall be done to City specifications.

It is further agreed that the foregoing covenants are covenants running with the land and shall be binding on the heirs, devisees and assigns of the undersigned Owners.

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Coeur d'Alene have executed this agreement on behalf of said City, the City Clerk has affixed the seal of said City hereto, and the Owners have signed the same, the day and year first above written.

CITY OF COEUR D'ALENE,

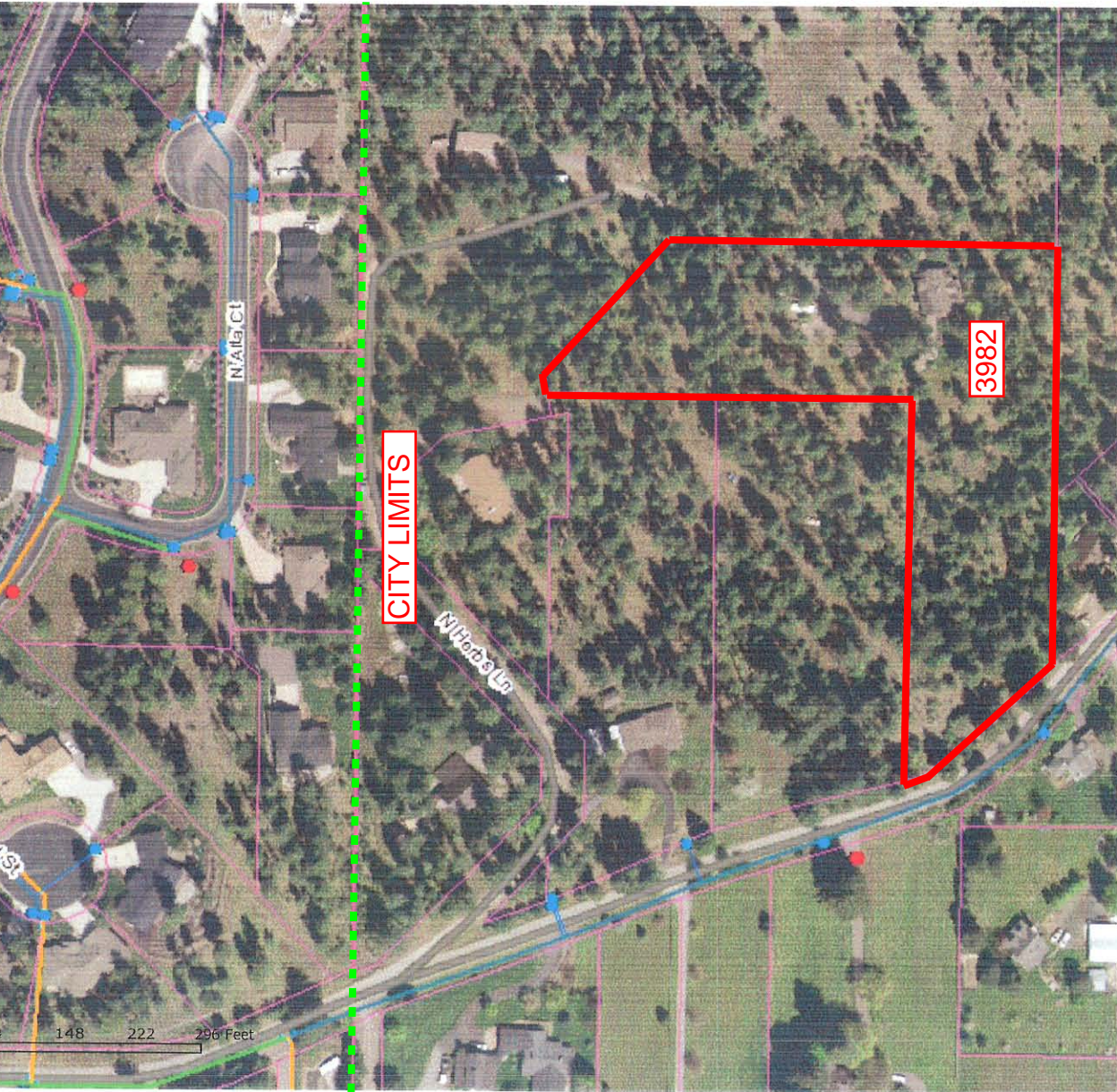
OWNERS:

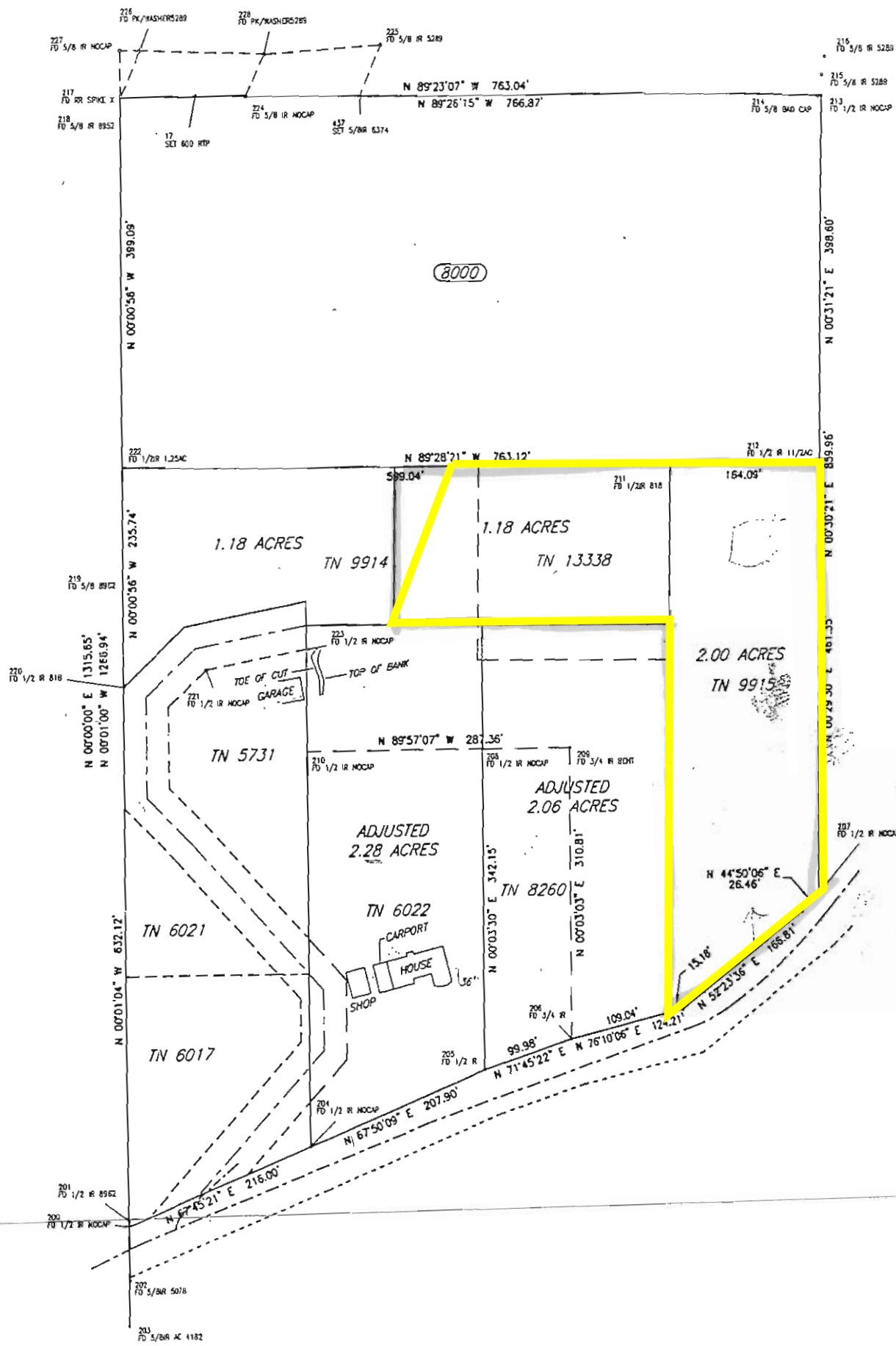
Sandi Bloem, Mayor

Susan Erickson, Wife

ATTEST:

Residing at Coeur d'Alene
My Commission expires:





DATE: SEPTEMBER 3, 2013
TO: MAYOR AND CITY COUNCIL
FROM: PLANNING DEPARTMENT
RE: SETTING OF PUBLIC HEARING DATE: OCTOBER 1, 2013

Mayor Bloem,

The Planning Department has forwarded the following item to the City Council for scheduling of a public hearing. In keeping with state law and Council policy, the Council will set the date of the public hearing upon receipt of recommendation.

<u>ITEM NO.</u>	<u>REQUEST</u>	<u>COMMISSION ACTION</u>	<u>COMMENT</u>
SP-3-13	Requested Appeal Applicant: Port of Hope Location: 218 N. 23rd Request: A proposed Criminal Transitional Facility Special use permit in the C-17 zoning district	Recommended denial	Quasi-Judicial

In order to satisfy the mandatory 15-day notice requirement, the next recommended hearing date will be **October 1, 2013**

CEMETERY LOT TRANSFER/SALE/REPURCHASE PROCEDURE AND ROUTING SLIP

Request received by: Municipal Services / Kathy Lewis / 8/6/13
 Department Name / Employee Name / Date
 Request made by: Philip Brasseur / 509-838-1058
 Name / Phone
PO Box 19326 / Spokane WA / 99219
 Address

The request is for: / / Repurchase of Lot(s)
 / Transfer of Lot(s) from Georgia M Brasseur to Andre' G. Brasseur or Betty J. Brasseur

Niche(s): _____
 Lot(s): 442, _____, _____, _____, _____, _____, _____
 Block: C Section: Riverview

Lot(s) are located in / / Forest Cemetery / / Forest Cemetery Annex (Riverview).

Copy of / / Deed or / / Certificate of Sale must be attached.

Person making request is / / Owner / / Executor* / / Other* _____

*If "executor" or "other", affidaviats of authorization must be attached.

Title transfer fee (\$ 40⁰⁰) attached**.

**Request will not be processed without receipt of fee. Cashier Receipt No.: 611327

ACCOUNTING DEPARTMENT Shall complete the following:

Attach copy of original contract.

Vonnie Jensen
 Accountant Signature

CEMETERY SUPERVISOR shall complete the following:

1. The above-referenced Lot(s) is/are certified to be vacant: Yes / / No
2. The owner of record of the Lot(s) in the Cemtery Book of Deeds is listed as:

3. The purchase price of the Lot(s) when sold to the owner of record was \$ 500⁰⁰ per lot.

[Signature] / 8/19/13
 Supervisor's Init. / Date

LEGAL/RECORDS shall complete the following:

1. Quit Claim Deed(s) received: / / Yes / / No. Yes / / No
- Person making request is authorized to execute the claim: [Signature] / 8/13/2013
 Attorney Init. / Date

I certify that all requirements for the transfer/sale/repurchase of cemetery lot(s) have been met and recommend that that transaction be completed.

[Signature] / 8/21/13
 City Clerk's Signature / Date

COUNCIL ACTION

Council approved transfer/sale/repurchase of above-referenced Lot(s) in regular session on: 8 / 0 / 0
 Mo./ Day /Yr.

CEMETERY SUPERVISOR shall complete the following:

- Change of ownership noted/recorded in the Book of Deeds: / / Yes / / No
 Cemetery copy filed / /; original and support documents returned to City Clerk / /

 Cemetery Supervisor's Signature / Date

Distribution: Original to City Clerk
 Yellow copy Finance Dept.
 Pink copy to Cemetery Dept.

BEER, WINE, AND/OR LIQUOR APPLICATION Expires March 1 annually

City of Coeur d' Alene
 Municipal Services
 710 Mullan Avenue
 Coeur d' Alene, Idaho 83814
 208.769.2229 Fax 769.2237

[Office Use Only] Amt Pd 37.50
 Rec No 518006
 Date 08-26-13
 Date to City Council: 09-03-13
 Reg No. _____
 License No. _____
 Bv _____

Date that you would like to begin alcohol service _____

Check the ONE box that applies:

<input type="checkbox"/>	Beer only (canned and bottled) not consumed on premise	\$ 50.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled) not consumed on premise	\$250.00 per year
<input type="checkbox"/>	Beer only (canned and bottled only) consumed on premise	\$100.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled only) consumed on premise	\$300.00 per year
<input type="checkbox"/>	Beer only (draft, canned, and bottled) consumed on premise	\$200.00 per year
<input type="checkbox"/>	Beer and Wine (Draft, canned, and bottled) consumed on premise	\$400.00 per year
<input type="checkbox"/>	Beer, Wine, and Liquor (number issued limited by State of Id)	\$762.50 per year
<input checked="" type="checkbox"/>	Transfer of ownership of a City license with current year paid Beer-to go only \$6.25 Beer- Can, Bottled only COP \$12.50 Beer- Draft, can, bottled COP \$25 Wine additional \$25 Consumed on premise yes no Transfer from <u>Mucias</u> to <u>All American</u>	\$ <u>12.50</u> <u>25</u> <hr/> <u>\$ 37.50</u>

Burgers, Sandwiches & Brews

Business Name	<u>All American Burgers, Sandwiches & Brews</u>
Business Mailing Address	<u>1801 East Sherman Avenue</u>
City, State, Zip	<u>Coeur d Alene ID 83814</u>
Business Physical Address	<u>same</u>
City, State, Zip	
Business Contact <u>Jamie Harper</u>	Business Telephone : <u>(208) 964-0073</u> Fax: <u>(509) 928-0081</u> Email address: <u>eutsuse@hotmail.com</u>
License Applicant	<u>Jamie L Harper</u>
If Corporation, partnership, LLC etc. List all members/officers	<u>Everything Under The Sun</u> <u>Jamie Harper</u>

BEER, WINE, AND/OR LIQUOR APPLICATION Expires March 1 annually

City of Coeur d' Alene
Municipal Services
710 Mullan Avenue
Coeur d' Alene, Idaho 83814
208.769.2229 Fax 769.2237

[Office Use Only] Amt Pd \$ 12.50
 Rec No 677847
 Date 08/23/13
 Date to City Council: 9/2/13
 Reg No. _____
 License No. _____
 Rv _____

Date that you would like to begin alcohol service _____

Check the ONE box that applies:

<input type="checkbox"/>	Beer only (canned and bottled) not consumed on premise	\$ 50.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled) not consumed on premise	\$250.00 per year
<input type="checkbox"/>	Beer only (canned and bottled only) consumed on premise	\$100.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled only) consumed on premise	\$300.00 per year
<input type="checkbox"/>	Beer only (draft, canned, and bottled) consumed on premise	\$200.00 per year
<input type="checkbox"/>	Beer and Wine (Draft, canned, and bottled) consumed on premise	\$400.00 per year
<input type="checkbox"/>	Beer, Wine, and Liquor (number issued limited by State of Id)	\$762.50 per year
<input checked="" type="checkbox"/>	Transfer of ownership of a City license with current year paid Beer-to go only \$6.25 Beer- Can, Bottled only COP <u>\$12.50</u> Beer- Draft, can, bottled COP \$25 Wine additional \$25 Consumed on premise yes no <u>Wing stop</u> Transfer from _____ to _____	\$ <u>12.50</u>

Business Name	<u>Trost's Wings, LLC DBA Wingsstop</u>	
Business Mailing Address	<u>2630 N. Government Way</u>	
City, State, Zip	<u>Coeur d'Alene, ID. 83815</u>	
Business Physical Address	<u>2630 N. Government Way</u>	
City, State, Zip	<u>Coeur d'Alene ID. 83815</u>	
Business Contact	Business Telephone : <u>208 691-0750</u>	Fax:
	Email address: <u>ajwings309@yahoo.com</u>	
License Applicant	<u>Jared Trost</u>	
If Corporation, partnership, LLC etc. List all members/officers	<u>Jared Trost</u> <u>Alyssa Trost</u>	

BEER, WINE, AND/OR LIQUOR APPLICATION Expires March 1 annually

City of Coeur d' Alene
Municipal Services
710 Mullan Avenue
Coeur d' Alene, Idaho 83814
208.769.2229 Fax 769.2237

[Office Use Only] Amt Pd 15000
 Rec No 678289
 Date 9/3/13
 Date to City Council: 9/3/13
 Reg No. _____
 License No. _____
 Rv _____

Date that you would like to begin alcohol service Sept 3rd

Check the ONE box that applies:

<input type="checkbox"/>	Beer only (canned and bottled) not consumed on premise	\$ 50.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled) not consumed on premise	\$250.00 per year
<input type="checkbox"/>	Beer only (canned and bottled only) consumed on premise	\$100.00 per year
<input checked="" type="checkbox"/>	Beer and Wine (canned and bottled only) consumed on premise	\$300.00 per year
<input type="checkbox"/>	Beer only (draft, canned, and bottled) consumed on premise	\$200.00 per year
<input type="checkbox"/>	Beer and Wine (Draft, canned, and bottled) consumed on premise	\$400.00 per year
<input type="checkbox"/>	Beer, Wine, and Liquor (number issued limited by State of Id)	\$762.50 per year
<input type="checkbox"/>	Transfer of ownership of a City license with current year paid Beer-to go only \$6.25 Beer- Can, Bottled only COP \$12.50 Beer- Draft, can, bottled COP \$25 Wine additional \$25 Consumed on premise yes no Transfer from _____ to _____	\$

Business Name	Teriyaki Grill Riverstone, LLC
Business Mailing Address	1628 E Hayden Ave Hayden Lake ID 83835
City, State, Zip	Hayden Lake ID 83835
Business Physical Address	2384 N. Old Mill Loop Ste G-102
City, State, Zip	Coeur d' Alene ID 83814
Business Contact	Business Telephone : 208.292.4977 Fax: Email address:
License Applicant	William Betts
If Corporation, partnership, LLC etc. List all members/officers	

ANNOUNCEMENTS

Memo to Council

DATE: August 22, 2013

RE: Appointments to Boards/Commissions/Committees

The following appointment is presented for your consideration for the September 3rd Council Meeting:

TESSA JILOT PEDESTRIAN & BICYCLE ADVISORY COMMITTEE

A copy of the data sheet is in front of your mailboxes.

Sincerely,

Amy Ferguson
Executive Assistant

cc: Renata McLeod, Municipal Services Director
Monte McCully, Ped/Bike Liaison

PUBLIC HEARINGS

COUNCIL BILL NO. 13-1014
ORDINANCE NO. _____

AN ORDINANCE ENTITLED "THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013" APPROPRIATING THE SUM OF \$77,853,494 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.

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

Section 1

That the sum of \$77,853,494 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, 2013.

Section 2

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

GENERAL FUND EXPENDITURES:	
Mayor and Council	\$ 224,206
Administration	388,505
Finance Department	713,701
Municipal Services	1,411,958
Human Resources	274,471
Legal Department	1,481,826
Planning Department	442,225
Building Maintenance	422,261
Police Department	10,503,341
Drug Task Force	70,256
ADA Sidewalks	248,844
COPS Grant	116,206
Fire Department	7,930,411
General Government	216,920
Engineering Services	1,265,481
Streets/Garage	2,457,859
Parks Department	1,925,661

Recreation Department	755,235
Building Inspection	893,846
TOTAL GENERAL FUND EXPENDITURES:	\$ 31,743,213
SPECIAL REVENUE FUND EXPENDITURES:	
Library Fund	\$ 1,327,173
Community Development Block Grant	297,298
Impact Fee Fund	731,710
Parks Capital Improvements	460,800
Annexation Fee Fund	14,000
Insurance / Risk Management	280,000
Cemetery Fund	272,255
Cemetery Perpetual Care Fund	98,000
Jewett House	59,640
Reforestation/Street Trees/Community Canopy	68,500
Arts Commission	6,600
Public Art Funds	250,800
TOTAL SPECIAL FUNDS:	\$ 3,866,776
ENTERPRISE FUND EXPENDITURES:	
Street Lighting Fund	\$ 572,000
Water Fund	8,202,517
Wastewater Fund	20,877,169
Water Cap Fee Fund	1,100,000
WWTP Cap Fees Fund	900,000
Sanitation Fund	3,499,362
City Parking Fund	179,957
Stormwater Management	1,016,995
TOTAL ENTERPRISE EXPENDITURES:	\$ 36,348,000
FIDUCIARY FUNDS:	\$ 2,567,700
STREET CAPITAL PROJECTS FUNDS:	2,072,370
DEBT SERVICE FUNDS:	1,255,435
GRAND TOTAL OF ALL EXPENDITURES:	\$ 77,853,494

Section 3

That a General Levy of \$16,773,620 on all taxable property within the City of Coeur d'Alene be and the same is hereby levied for general revenue purposes for the fiscal year commencing October 1, 2013.

Section 4

That a Special Levy upon all taxable property within the limits of the City of Coeur d'Alene in the amount of \$2,485,065 is hereby levied for special revenue purposes for the fiscal year commencing October 1, 2013.

Section 5

The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt there from.

Section 6

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.

APPROVED by this Mayor this 3rd day of September, 2013.

Sandi Bloem, Mayor

ATTEST:

Renata McLeod, City Clerk

INFORMATION SECTION

Including

Correspondence

Board, Commission, Committee Minutes

August 26, 2013
PUBLIC WORKS COMMITTEE
MINUTES
4:00 p.m., Library Community Room

COMMITTEE MEMBERS PRESENT

Council Member Deanna Goodlander
Council Member Dan Gookin

STAFF PRESENT

Amy Ferguson, Executive Assistant
Troy Tymesen, Finance Director
Terry Pickel, Asst. Water Supt.
Jim Remitz, Capital Program Mgr.
Warren Wilson, Deputy City Attorney

**Item 1 Approval of Change Orders No. 1 and No. 2 to the 2013 Open Trench Project
Consent Calendar**

James Remitz, Capital Program Manager, presented a request for Council approval of Change Orders No. 1 and No. 2, for a total cost increase of \$4,210.36 to the city's agreement with MDM Construction, Inc. for the 2013 Open Trench Project. Approval of the change orders will increase the total contract amount from \$355,650.00 to \$359,860.36.

Mr. Remitz stated in his staff report that Change Order No. 1 (\$3,641.62) is the extra cost to modify the residential lift station dry well and pump appurtenances installed at 2914 Fernan Court. The modifications were necessary due to the required extra depth of the lift station when the service lateral for this residence was discovered to be approximately 3 feet deeper than anticipated. Change Order No. 2 (\$558.74) is the total of one additional work item and changes in the work and the adjustment of the final quantities of bid items for the project. Funding for the changes would come from the approved 2012-2013 Wastewater Operating Fund budget.

Councilman Gookin commented that he hasn't heard anything from any of the residents in a long time and so he assumes that everyone is happy. Mr. Remitz said that they are still working with some people on landscaping, seeding, and sodding of their yards. He explained that Wastewater will take care of it, outside of the contract, just to satisfy the homeowners. Councilman Gookin said that overall, he thinks that the project was exemplary and thanked Mr. Remitz for his efforts.

MOTION: Motion by Councilman Gookin, seconded by Councilman Goodlander, to recommend council approval of Resolution No. 13- authorizing Change Orders No. 1 and No. 2 in the amount of \$4,210.36 to the Agreement with MDM Construction, Inc. for the construction of the 2013 Open Trench Project, for a total construction amount of \$359,291.62. Motion carried.

**Item 2 Request by Bob Erickson, 3982 Nettleton Gulch, for Service Outside City Limits
Consent Calendar**

Terry Pickel, Assistant Water Superintendent, presented a request from Mr. Bob Erickson of 3982 Nettleton Gulch for water services due to a failing well.

Mr. Pickel stated in his staff report that Mr. Erickson approached the Water Department in 2012 to apply for water service due to a failing well. He was informed at that time that as his property was currently outside of city limits, unless there was a prior right through Idaho Water, he could not be granted service unless he were to annex into the city. Unfortunately, Mr. Erickson's property is not contiguous to the city limits so annexation would not be possible unless he were to gain frontage adjacent to the city limits. Mr. Erickson was ultimately not able to acquire frontage to allow annexation. With the serious lack of ground water recharge this summer, Mr. Erickson's well is currently not able to maintain sufficient production to provide the absolute essential needs of his single family dwelling.

Mr. Pickel further noted in his staff report that if Mr. Erickson's application for service is approved by the Council, he will be required to pay capitalization fees, standard hook up fees, an asphalt patching fee, and the MXU fee, for a total of \$5,167.00. This would provide service to his property line. Mr. Erickson would then be responsible for installation of the service from the meter box to his residence. Installation of the single service to Mr. Erickson's property would not impact the water system in the area as it can adequately serve the additional capacity, although Mr. Erickson will need to install and maintain a private booster pump system. Mr. Erickson would also be required to waive any opposition to future annexation and convey all water rights associated with the property to the city as a condition of service.

Mr. Pickel said that there is an Addendum to the Policy for Service Outside the City Limits that allows for a citizen to plead for a "good neighbor" policy to help them out and run service to the project. He further noted that Mr. Erickson could try to re-drill the well but it would cost him between \$30,000 and \$40,000, with no guarantee of water. He could also try to rehabilitate the well at a cost of around \$15,000, but also with no guarantee of water.

Councilman Goodlander confirmed that the city has granted this type of request in the past. Councilman Gookin asked about the water in the rest of the neighborhood. Mr. Erickson said that he didn't know about his neighbors, but he is up on a hill and his well is 620 feet deep. This time of year he is not getting anything out of it. Mr. Pickel commented that some other well owners in that area have had problems and have asked for the same thing as the area is on the edge of the aquifer. Councilman Goodlander commented that it is important to get water to them because of the potential of fire danger.

Councilman Gookin confirmed with Mr. Erickson that none of the neighbors who are close to him want to do an annexation. He also asked if this would include sewer too. Mr. Erickson stated that it would not as he is on a septic tank.

Councilman Gookin said that one of his concerns is how many others are there going to be in that area. Councilman Goodlander said that when folks don't have water, they don't have a home and since there appears to be an adequate water supply in that area she feels that there is no reason not to grant the request.

Councilman Gookin asked if this property would be automatically annexed if the other properties in the area were annexed. Mr. Pickel responded that part of the agreement is that Mr. Erickson would have to sign a waiver of annexation agreement.

MOTION by Councilman Gookin, seconded by Councilman Goodlander, that the city grant an exception to the Policy: Water Service Outside City Limits for Bob Erickson, 3982 Nettleton Gulch, and allow him to be connected to the city's water system. Motion carried.

The meeting adjourned at 4:13 p.m.

Respectfully submitted,

Amy C. Ferguson
Public Works Committee Liaison