



Coeur d'Alene

CITY COUNCIL MEETING

November 3, 2015

MEMBERS OF THE CITY COUNCIL:

Steve Widmyer, Mayor

Council Members Adams, Edinger, Evans, Gookin, McEvers, Miller

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

October 20, 2015

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 October 20, 2015 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

INVOCATION: Pastor Robert Sundquist with Christ the King Church provided the invocation.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Councilmember Adams.

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

1. Approval of Council Minutes for October 6, 2015.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for October 26, 2015 at 12:00 noon and 4:00 p.m. respectively.
4. Setting of a Public Hearing for November 17, 2015 for V-15-4 – Vacation of a temporary bicycle trail easement in the Riverstone Plat
- a. **Resolution No. 15-058-** 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 THE WAIVER OF COVERED LOAD REGULATIONS FROM NOVEMBER 1ST THROUGH THE 30TH, 2015 FOR THE ANNUAL CITY LEAF PICK UP PROGRAM; APPROVING A MEMORANDUM OF UNDERSTANDING WITH IDAHO DISASTER DOGS, INC. FOR SEARCH AND RESCUE ABILITIES USING IDD'S DOG TEAMS; RATIFICATION OF THE ACCEPTANCE OF A COPS HIRING GRANT WITH THE U.S. DEPARTMENT OF JUSTICE; APPROVING A RETIREMENT MEDICAL BENEFIT AGREEMENT WITH GREG SCHREMP; APPROVING AMENDMENTS TO THE CONTRACTS WITH THE COEUR D'ALENE POLICE ASSOCIATION; LAKE CITY EMPLOYEE ASSOCIATION; INTERNATIONAL ASSOCIATION OF FIREFIGHTERS; POLICE

CAPTAINS; POLICE LIEUTENANTS; AND DEPUTY FIRE CHIEFS; APPROVING A COOPERATIVE AGREEMENT WITH THE IDAHO TRANSPORTATION DEPARTMENT AND KOOTENAI HEALTH FOR FUNDING OF DESIGN AND CONSTRUCTION OF IRONWOOD AND US-95 INTERSECTION IMPROVEMENTS; APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH J-U-B ENGINEERS, INC. FOR THE DESIGN OF THE IMPROVEMENTS AT IRONWOOD AND US-95; APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH J-U-B ENGINEERS, INC. FOR THE 2015 / 2016 WASTEWATER COLLECTION SYSTEM CAPITAL IMPROVEMENT PROJECTS; AND APPROVING WASTEWATER UTILITY POLICY # 721 – PUBLIC SEWER SYSTEM RECORD AS-BUILT DRAWING INFORMATION.

ROLL CALL: Gookin Aye; Evans Aye; Adams Aye; Edinger Aye; Miller Aye; McEvers Aye.
Motion Carried.

PUBLIC COMMENTS:

Suzie Snedaker, Coeur d’Alene, said she previously requested action regarding height related amendments to the ordinance relative to heights and she has not seen any action. She is concerned with protecting the architectural and historic nature of the city. She requested information on the process of bringing these items forward for action. Mayor Widmyer requested that people contact him directly.

MAYOR AND COUNCIL ANNOUNCEMENTS:

Councilmember Miller noted that the CDA 2030 group asked her to announce the beginning of this year’s Jingle Books book drive program. The group distributed approximately 17,000 books last year to children, kindergarten through third grade. There is a drop box at the Library and City Hall. Please contact CDA2030 if you are interested in volunteering for collection and/or distribution at <http://www.cda2030.org/get-involved/>. She thanked Chief White for his presentation to the Rotary Club and Katie Kosanke for her presentation to building contractors regarding the street tree program.

Mayor Widmyer asked for the appointment of Student Representatives and alternates.

MOTION: Motion by Gookin, seconded by Edinger to approve the appointment of Student Representatives as follows: Arts Commission: Marina Lundy and Maggie Hurst (alternate); CDATV Committee: Caden Benzinger; Childcare Commission: Savannah Seaman and Natalie Goetz (alternate); Library Board: Cassidee Smidt and Isabel Bartosh (alternate); Natural Open Space Committee: Madison Johnson; MacKenzie Johnson; and Clark Marchese (alternate); Parks and Recreation Commission: Maxwell Evans, Maya Burgess (alternate); Pedestrian Bicycle Committee: John Meech and Braydon Butler (alternate); Urban Forestry Committee: Matthew Averett and Marie Michalson (alternate). **Motion carried.**

DISCUSSION: The Mayor thanked Amy Ferguson for her hard work in organizing the student representative program and noted that she did a great job.

Motion carried.

SHOOTING GALLERY PERMIT WITH ADVANTAGE ARMS LOCATED AT 3926 N. SCHREIBER WAY

STAFF REPORT: City Clerk Renata McLeod explained that in order for Advantage Arms to conduct test fires of guns within the City limits, they need to have a shooting gallery permit, pursuant to Municipal Code 9.52.030. Mr. Jennings' business is located within a light manufacturing zone and he builds conversion kits for guns. He will be conducting test fires within a specially constructed cargo container within the building and does not expect any sound louder than knocking on a door to be heard from the sidewalk. The Police Chief suggests that two specific conditions be noted on the permit: that the test fire container include safe guards to prevent accidental discharge outside of it and that if gunshot noise complaints are received, the permit may be revoked.

MOTION: Motion by McEvers, seconded by Adams to approve a shooting gallery permit with Advantage Arms located at 3926 N. Schreiber Way, with the two conditions as recommended by staff.

DISCUSSION: Councilmember Gookin asked about the air evacuation system. Brandon Jennings explained that the air cycles out of the storage container. Gookin asked about the .22 caliber conversion kits and if they are a Type 3 dealer. Mr. Jennings explained that they do have an FFL but they do not sell firearms. **Motion carried.**

APPLICATION AND ACCEPTANCE OF THE IDAHO J.A.G. GRANT FOR A LASER SCANNER

STAFF REPORT: Police Chief White explained that there is a grant available to fund the purchase of a laser scanner. This scanner is used for crime scene analysis and 3D mapping, which is currently conducted manually. Currently it takes about 8 hours to process a scene the size of a bedroom. This device would take about 30 minutes. For example, at the I-90 shooting site, the machine could measure and photograph the scene in about 30 minutes, which would result in substantial saving of staff time. This is something that would make life easier, so it is a good grant item. The item cost is \$69,955, with a grant request for \$64,335. The remaining \$5,620 is a match, which would be paid out of the current fiscal year's training line item at an estimation of \$3,712 for training of two investigators for training and an estimated \$1,908 in wages to attend the training.

MOTION: Motion by Gookin, seconded by Evans to approve the application and acceptance of the Idaho J.A.G. Grant for a laser scanner.

DISCUSSION: Councilmember Miller asked for clarification regarding the competitiveness of the grant. Chief White explained that the funding source is \$130,000 for the entire state and this request is for \$64,335 of that for one item. Consideration might be given to the fact that the City

is a part of a multi-jurisdictional group and would share this item with various local entities.
Motion Carried.

**APPROVAL OF SELTICE WAY CONSTRUCTION FUNDING REQUEST TO IGNITE
CDA - Pursuant to Action September 21, 2015**

STAFF REPORT: City Engineer Gordon Dobler reiterated that the reconstruction of Seltice Way, from Huetter to the bridge over the Prairie trail, has been a priority project for the past several years. The City applied for, and received a federal grant for design and is currently in the consultant selection process. The total design cost is estimated to be as much as \$550,000 with \$300,000 from the federal grant and \$250,000 from Ignite CDA (Ignite). However, funding for construction of the project is not on the Federal 5-year funding plan. The preliminary design has to be completed before construction funding can be programmed. KMPO has indicated that the soonest funds could be available is 2021, and that only \$2.1 million would be available at that time. The current estimate for the project is in the range of \$5.1 - \$5.5 million dollars, leaving a shortfall of \$3.0 - \$3.4 million. If construction were funded without Federal grant money, it would allow construction to start much sooner and at a significant cost reduction. Mr. Dobler explained that the City could realize a cost reduction of approximately 30% to 35%, bringing the estimate for construction down to around \$3.5 million, which is the same amount we would need if the project were done with Federal grants. In addition, the project could possibly be constructed next year, or by 2017 at the latest. Atlas and Seltice is one of the highest accident intersections, is a high priority for redesign and reconstruction, and will be a very expensive part of the entire project. Therefore, Mr. Dobler requested Council direct staff on whether or not to pursue funding for re-construction of Seltice Way from Ignite in lieu of Federal grants, in order to expedite construction of the project.

MOTION: Motion by McEvers, seconded by Evans to pursue funding for re-construction of Seltice Way from Ignite CDA.

DISCUSSION: Councilmember Edinger asked what the plan would be if this is not funded by Ignite. Mr. Dobler explained that if Ignite does not fund the project, the City would need to wait to see if it could get federal grant money for the entire construction amount. He clarified that the Post Falls Highway District owns approximately the last 1,000 feet of the road. Councilmember Gookin expressed concern about waiting five years and stated that Seltice Way has been something the City has known about for a long time and wondered if it could have been designed sooner so it could get on the funding list earlier. Mr. Dobler explained that Ignite funding would be needed for a lot of the design work. Councilmember Gookin said that this \$3.5 Million project would be the biggest project within the River District but it is not mentioned in Ignite's plan. He is concerned that it appears that the Council is directing Ignite to carry out a certain task. Mr. Dobler explained that they still have the option to deny the request. Mayor Widmyer noted that this project is a safety issue and he is concerned with waiting five years. He believes that this is an opportunity to correct the traffic conflicts at a cost that is 30% less and is concerned that there is no way to know what amount of future federal funds would be available. Councilmember Gookin noted that Glen Miles with KMPO explained that there are other options, such as Ignite being eligible for refunding of 93% of funds. Mr. Dobler said he was aware of an option to get credit for future projects, but is unaware of an option for

reimbursement, so he will look into it. Councilmember Adams wondered if the River District has a large cash balance or would they need to borrow it. Councilmember McEvers thinks that it is a good idea to try to get it funded from Ignite and move the project forward.

MOTION TO AMEND: Councilmember Adams moved to amend the motion to clarify that the funding request would be contingent on Ignite having cash in the bank and not borrowing the funds. **Motion died for lack of a second.**

DISCUSSION: Councilmember Gookin explained that he is uncomfortable with directing Ignite on what to do, especially since this project is not noted in their plan and has not been in front of them for discussion. He reminded the Council that if they do not do this project, they could retire the River District. Councilmember Adams noted that if the Council retired the River District they could pay for the project themselves. Mr. Dobler mentioned that this item is on the Ignite agenda for tomorrow's meeting and he is in the process of selecting the consultant so they need to determine if they are going to use federal money or not.

ROLL CALL ON MAIN MOTION: Gookin No; Evans Aye; Adams No; Edinger Aye; Miller Aye; McEvers Aye. **Motion Carried.**

**COUNCIL BILL NO. 15-1026
ORDINANCE NO. 3525**

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING MUNICIPAL CODE SECTIONS 13.24.010, 13.24.020, 13.24.030, 13.24.040, 13.24.050 AND 13.24.060 AND ADOPTING A NEW SECTION 13.24.015 TO CLARIFY THE PURPOSE AND APPLICATION OF THE CITY'S CROSS CONNECTION CONTROL REGULATIONS, TO CLARIFY AND PROVIDE NEW DEFINITIONS, ADOPTING STANDARDS FOR INSTALLATION OF BACK FLOW PREVENTION ASSEMBLIES, TESTING AND INSPECTION OF BACKFLOW PREVENTION ASSEMBLIES AND PROVIDING FOR THE ENFORCEMENT OF THE CROSS CONNECTION CONTROL REGULATIONS INCLUDING DISCONNECTION FROM THE WATER SYSTEM; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

STAFF REPORT: Assistant Water Superintendent Terry Pickel explained that the updates to the cross connection control ordinance are necessary to bring the ordinance into compliance with recent Drinking Water Rule changes and best practices. He noted that the code was initially adopted in 1983 and has never been amended. He reviewed the hazards of water backflow. The updates also clean up some ambiguous language and clarify processes with backflow assembly testers. He reviewed recent changes to the code and potential future codes that are in place in Washington and Utah.

DISCUSSION: Councilmember McEvers clarified that this code only applies to irrigation systems in residential homes. Mr. Pickel confirmed that if a resident does not have an irrigation

system this would not apply. However, the blow out of commercial systems can cause some concerns and potential damage if they are not installed correctly.

MOTION: Motion by McEvers, seconded by Miller, to pass the first reading of **Council Bill No. 15-1026**.

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

MOTION: Motion by Edinger, seconded by McEvers, to suspend the rules and to adopt **Council Bill 15-1026** by its having had one reading by title only.

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

PRESENTATION OF THE MULLAN AVENUE (4-CORNERS) ROADWAY PLAN AND AUTHORIZATION OF FUNDING REQUEST TO IGNITE CDA

STAFF REPORT: City Engineer Gordon Dobler explained that the recently approved Master Plan for the 4-Corners/BLM area included the re-alignment of Mullan Road, from Park Drive to Northwest Boulevard, and construction of additional parking and the Carousel Plaza as elements of the Plan. These elements were identified and prioritized by Council at their strategic planning workshop in the spring. The city's current budget includes \$400,000 toward this project; however, the project estimated cost is \$1.9 million. Therefore, the City would be asking Ignite for \$1.6 million to pay for the construction.

Phil Boyd, President of Welch-Comer Engineering, Inc., presented the area map and explained the reasoning for the roadway design and traffic flow. He noted that feedback from the community was used throughout the process and incorporated into the final plan. He also noted that Mullan Road is 58 feet wide and currently has five lanes, which are not needed and cause safety hazards for pedestrians crossing the street. Mr. Boyd explained that they used the following four criteria in their final design: removal of no trees from the city park, make Mullan Road the through street and not Park drive, remove the Park Drive parking lot, and provide traffic facilities to allow Mullan Road temporary closures. After meeting with the Fort Ground Homeowners Association, they also included criteria to locate the carousel near Memorial Field, locate the Worker's Memorial near the northwest corner of the park, and include the alternate of expanding Memorial Field parking in the base project. He reviewed the traffic calming methods and the ability for road closures with bollards. He clarified that the Parks and Recreation Commission made the recommendation for the City Council to approve this roadway design concept.

MOTION: Motion by McEvers, seconded by Evans to approve the four corners roadway design and to pursue funding from Ignite CDA, with saving as many trees as can be saved.

DISCUSSION: Councilmember Edinger asked for clarity on the amount to be sought from Ignite and from which district. Mr. Dobler stated that it is within the Lake District and it will be

\$1.5 Million. Councilmember McEvers asked for clarification regarding what is included in the project. Mr. Boyd confirmed the project would include the design elements as presented, with the caveat that the landscaping shown around the carousel will only include grass with this project. Discussion ensued regarding approaches and lining up parking lots for better traffic flow. Mr. Dobler explained that they would likely upgrade the signal at Mullan and Government Way and would eliminate the free right lane. Councilmember Gookin asked the Council to explore the option of keeping the top portion of Mullan Avenue open and permanently close the lower portion, netting more green space for the park. Mr. Boyd explained that during the public meetings the Mullan closed option was discussed, and would allow for the intersection of Government Way and Mullan to be properly oriented. Additionally, more parking could be added. Based on public feedback it seemed to be 50/50 in support and opposition. The Mayor noted that the proposed design provides options to close the road occasionally and see how well it works. Councilmember Miller noted that if the street were closed it would not include parking to the south, so parking would be far away from the restrooms, playground, etc., so she does not feel that full closure would be appropriate. Councilmember Gookin asked if they were able to save trees in parking lot abutting Northwest Boulevard. Mr. Boyd explained that saving some of the trees would cause the removal of parking stalls; however, some trees can be blend into the landscape strips. He noted that there are approximately 8 to 10 trees to be removed or they would need to remodel the entire flow of the parking lot with less stalls.

Motion carried.

RESOLUTION NO. 15-059

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO APPROVING THREE (3) AGREEMENTS FOR THE BUILD AND PURCHASE OF AN APPARATUS PACKAGE OF ONE (1) AERIAL, THREE (3) PUMPER/ENGINES, AND ONE (1) WILDLAND TRUCK FROM GENERAL FIRE APPARATUS, INC. AND/OR ROSENBAUER SOUTH DAKOTA, LLC. IN THE AMOUNT OF THREE MILLION THIRTY-NINE THOUSAND FOUR HUNDRED SEVEN DOLLAR (\$3,039,407.00).

STAFF REPORT: Deputy Chief Washko explained that the City conducted a formal bid process for the purchase of these vehicles. Original budget was \$3,375,000, with equipment costing approximately \$300,000 of that budget. The City received four bids with Rosenbauer/General Fire submitting the lowest responsive bid, at \$136,000 under the estimated budget amount. He requested Council accept the bid from Rosenbauer/General Fire for the build and purchase of one (1) Aerial, three (3) Pumper/Engines and one (1) Wildland truck. General Fire is out of Spokane, will handle any warranty work, and will be convenient. He assumes approximately \$89,000 in price reduction for paying for chassis as they are built and will be paying for inspection travel separately. It will take approximately 300 days to build, which means it will be a year before they are added to the fleet.

MOTION: Motion by Edinger, seconded by Miller to approve **Resolution No. 15-059;** Approving Award of Bid and approval of purchase of 1 Aerial truck, 3 pumper/engines and 1 wildland truck from Rosenbauer/General Fire.

DISCUSSION: McEvers questioned the difference in bid amounts. Deputy Chief Washko confirmed that the low bid is responsive and is very happy to recommend award.

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

ZC-1-14 LILAC GLEN – Larry Fluet Revocable Trust (Parcel 1) - Pursuant to Council Action September 2, 2014

MOTION: Motion by McEvers, seconded by Miller to approve the Findings and Order for ZC-1-14; +/- 13.03 acres parcel between Pennsylvania Avenue, Fernan Hill Road, Lilac Lane and Interstate I-90; zone change from R-3 Hillside (Residential at 3 units/acre) to a mix of R-3, R-8, and R-17 (Residential at 3,8, and 17 units per acre).

DISCUSSION: Councilmember Gookin said that he would be voting no for the Lilac Glen items as he was opposed at the original hearing and still does not think it is a good fit with the Comprehensive Plan.

Motion carried with Gookin voting no.

**COUNCIL BILL NO. 15-1021
ORDINANCE NO. 3520**

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-3 HILLSIDE (RESIDENTIAL AT 3 UNITS/ACRE) TO MIX OF R-3, R-8, AND R-17 (RESIDENTIAL AT 3, 8, & 17 UNITS/ACRE), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- 9.52 ACRE PARCEL BETWEEN PENNSYLVANIA AVENUE, FERNAN HILL ROAD, LILAC LANE AND INTERSTATE I-90; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

MOTION: Motion by McEvers, seconded by Adams, to pass the first reading of **Council Bill No. 15-1021.**

ROLL CALL: Edinger Aye; Miller Aye; McEvers Aye; Gookin No; Evans Aye; Adams Aye.
Motion carried.

MOTION: Motion by McEvers, seconded by Evans, to suspend the rules and to adopt **Council Bill 15-1021** by its having had one reading by title only.

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

A-4-14 ANNEXATION OF LILAC GLEN – Larry Fluet Revocable Trust (Parcel 2) -
Pursuant to Council Action August 18, 2015

MOTION: Motion by McEvers, seconded by Adams to approve the Findings and Order for A-4-14; +/- 13.03 acres parcel between Pennsylvania Avenue, Fernan Hill Road, Lilac Lane and Interstate I-90; annexation from County Agricultural-Suburban to City R-3 and R-8 (Residential at 3 and 8 units per acre). **Motion carried with Gookin voting no.**

RESOLUTION NO. 15-056

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ANNEXATION AGREEMENT WITH LARRY FLUET REVOCABLE TRUST.

MOTION: Motion by McEvers, seconded by Adams to approve **Resolution No. 15-056**; approving an Annexation Agreement with Larry Fluet Revocable Trust for annexation of Lilac Glen; A-4-14.

ROLL CALL: Miller Aye; McEvers Aye; Gookin No; Evans Aye; Adams Aye; Edinger Aye.
Motion carried.

COUNCIL BILL NO. 15-1022
ORDINANCE NO. 3521

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF SECTION 18, TOWNSHIP 50, NORTH, RANGE 3W, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; CHANGING THE ZONING MAPS OF THE CITY OF COEUR D'ALENE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

MOTION: Motion by McEvers, seconded by Adams, to pass the first reading of **Council Bill No. 15-1022**.

ROLL CALL: McEvers Aye; Gookin No; Evans Aye; Adams Aye; Edinger Aye; Miller Aye.
Motion carried.

MOTION: Motion by McEvers, seconded by Edinger, to suspend the rules and to adopt **Council Bill 15-1022** by its having had one reading by title only.

ROLL CALL: McEvers Aye; Gookin No; Evans Aye; Adams Aye; Edinger Aye; Miller Aye.
Motion carried.

RESOLUTION NO. 15-060

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ACCEPTING THE BID AND APPROVING A CONTRACT WITH EDNETICS INC. FOR PURCHASE AND INSTALLATION OF THE PUBLIC SAFETY IP CAMERA SURVEILLANCE SYSTEM PROJECT.

STAFF REPORT: Database Administrator Brandon Russell noted that four bids were received for the IP Camera Surveillance system that was part of the G.O. Public Safety Bond passed this year. The lowest responsive bidder was Ednetics, Inc. at \$196,710.82, which was approximately \$23,000.00 less than the next lowest bid and well below the estimated budget amount. The IT division worked with the Police Department to identify the following camera locations; McEuen Park, City Hall, City Library, Fire Administration, Fire Station 1, Fire Station 2, Street Shop, Water Administration, Police Department, Fire Station 3, Independence Point, Skate Park, Cherry Hill. The cameras will be mounted to the outside of the buildings at the identified locations, to provide public safety and surveillance to City property. Servers and storage will be purchased and installed separately.

MOTION: Motion by McEvers, seconded by Evans to approve **Resolution No. 15-060**; accepting the bid of and a Contract with Ednetics Inc. for the purchase of the IP Surveillance System.

DISCUSSION: Councilmember McEvers asked how many cameras are included. Mr. Russell noted that there would be 75 new cameras with 9 replacements; including the skate park with a 360-degree view. Councilmember McEvers asked how the City would handle storage of the video feed. Mr. Russell explained that it would require 60 additional terabits of storage. The cameras will be stationary, so the number of cameras will provide coverage of the area and have 24-hours of coverage. Mr. Russell explained that these are the same cameras as used by the school district and they are pleased with the performance and quality. Councilmember Miller asked if the cameras can be moved to other locations if need be. Mr. Russell confirmed that they could be moved and additional cameras can be added to the system.

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

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

The meeting adjourned at 7:41 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, City Clerk

RESOLUTION NO. 15-061

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 AUTHORIZING THE POLICE DEPARTMENT TO PURCHASE SEVEN (7) PATROL VEHICLES; AUTHORIZE BID REJECTION – SINGLE SOURCE TOWING PROVIDER – AUTHORIZATION TO REBID; AND APPROVING A CONTRACT WITH LEGENDS SPORT PHOTOGRAPHY FOR SERVICES THROUGH DECEMBER 31, 2018.

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 C" and by reference made a part hereof as summarized as follows:

- A) Authorizing the Police Department to purchase seven (7) patrol vehicles;
- B) Authorize Bid Rejection – Single Source Towing Provider – Authorization to rebid;
- C) Approving a Contract with Legends Sport Photography for services through December 31, 2018;

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 C" 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 November, 2015.

Steve Widmyer, Mayor

ATTEST

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER EVANS Voted _____

COUNCIL MEMBER MILLER Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER ADAMS Voted _____

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

CITY COUNCIL
STAFF REPORT

DATE: October 7, 2015
FROM: Lee White, Chief of Police
SUBJECT: Vehicle purchases

Decision Point: The Police Department is seeking approval to purchase seven (7) vehicles.

History: Six vehicles for the patrol division were approved to be purchased in the Fiscal Year 2015-2016 budget. Since that time, the City has also been reimbursed \$40,525.72 by ICRMP for the loss of one patrol vehicle. Our vehicle fleet is strained and additional vehicles would help our already taxed fleet.

Financial Analysis: Since ICRMP reimbursed the City \$40,525.72, we are requesting that amount from the fund balance (General Fund) to offset the cost for one additional patrol vehicle. The remaining funds needed for purchasing and equipping these vehicles will come from the Police Department's previously approved budget.

Performance Analysis: The Police Department is attempting to properly equip our officers, and the approval of one additional patrol vehicle, which has been at least partially funded through ICRMP, is a fiscally responsible way of meeting that goal.

Decision Point: The Police Department requests approval to purchase seven vehicles.

**GENERAL SERVICES COMMITTEE
STAFF REPORT**

Date: October 19, 2015

From: Steve Childers

Subject: Reject all bids – Single Source Towing Provider

Decision Point: Recommendation is that City Council reject all bids and that a new RFP be advertised.

History: Prior to August 2002, the City of Coeur d’Alene had employed a rotational tow truck policy to address the vehicle towing needs for the City. However, in 2002 the City of Coeur d’Alene changed their policy and a single source tow provider was selected. On average, the City of Coeur d’Alene dispatches approximately 450 vehicle tows per year ranging from vehicles involved in accidents to abandoned vehicles located on public and private property. It has been determined that a single source tow provider is more efficient for the City of Coeur d’Alene.

In an effort to update and renew an expired contract, the City of Coeur d’Alene recently advertised a “Request for Proposal” in regard to single source tow providers. Two bids were received. One from our current tow provider, Schaffer’s Towing and the other from Superior Towing and Recovery. Although Superior Towing and Recovery appears to be the low bidder, there is ambiguity in their proposal that might actually result in a higher cost than Schaffer. In order to avoid awarding the contract to an applicant who might turn out **not** to be the low bidder, my recommendation is that City Council reject all bids and that a new RFP be advertised.

Financial Analysis: By continuing a single source towing provider, the City of Coeur d’Alene will see more efficient response times to dispatched vehicle tows and will realize a cost savings with a reduction in staff time required to administer vehicle towing performed for the City of Coeur d’Alene.

Performance Analysis: A single source-towing provider will require less administration by City of Coeur d’Alene staff. In addition, City Police may spend less time at calls involving vehicle tows.

Quality of Life Analysis: The citizens will enjoy more consistent and efficient towing services for vehicle towing dispatched by the City of Coeur d’Alene.

Decision Point / Recommendation: Recommendation is that City Council reject all bids and that a new RFP be advertised.

General Services

STAFF REPORT

Date: October 26, 2015
From: Steve Anthony, Parks and Recreation Director
SUBJECT: YOUTH SPORTS PHOTOGRAPHY EXTENSION

DECISION POINT:

The Recreation Department is seeking authorization to extend the photography services of Legends Photography until December 31, 2018.

History:

The Recreation Department entered into a contract with Legends Photography to take individual and team pictures for the city's youth recreation programs. Legends have been the official photographer for the city all but 5 of the last 28 years. They are very easy to work with and we are pleased with their customer service.

Financial Analysis:

Legends has agreed to keep the price at \$9.00 for the length of the contract. They will also provide sponsors' plaques to the city at no charge. They will provide free team photos for the coaches and provide each player with a free bag tag. Legends also sponsor teams in each of our programs.

Performance Analysis:

Pictures of children participating in our youth programs have become a tradition. We have been very pleased with Legends Photography. Legend meets all time lines and produces a high quality picture. Legends also provides a College Scholarship to 3 seniors in our community.

Recommendation:

The Recreation Department is requesting that the General Services Committee recommend to City Council that the Legends Photography contract be extended through December 31, 2018.

CONTRACT

THIS CONTRACT, made and entered into this 3rd day of November, 2015, by and between the **City of Coeur d' Alene**, Kootenai County, Idaho, a municipal corporation duly organized and existing under and by virtue of the laws of the state of Idaho, hereinafter called "City," and **Legends Sports Photography**, a Washington Corporation, whose mailing address is 5872 N. Government Way #104, Coeur d'Alene, ID 83814 hereinafter called the "Photographer,"

WITNESSETH:

THAT, WHEREAS, Legends Sports Photography, proposes to provide photography services in relation to youth programs and teams sponsored by the City Recreation Department, and

WHEREAS, the City desires to enter into a contract with Legends Sports Photography; NOW, THEREFORE,

IN CONSIDERATION of such acceptance and payment by the City to the Photographer of one dollar, receipt of which is hereby acknowledged, and other valuable consideration, the Photographer agrees as follows:

SECTION 1: Photographer agrees to take photographs of youth program participants and teams sponsored by the City Recreation Department for all programs conducted between January 1, 2016 and December 31, 2018.

Photographer agrees to the following youth programs for photos:

Youth Soccer
Youth Baseball/Softball
Youth Flag Football
Youth Basketball
Mini Kickers

It will be the responsibility of the photographer to have picture packages available to the Recreation Department approximately four weeks prior to the start of each youth program.

SECTION 2: Photographer further agrees it will provide the participants the following photographic package for Nine and NO/100 Dollars (\$9.00):

One (1) 5 x 7 group photo - color
One (1) 3 x 5 individual photo - color
Two (2) 2 x 3 individual photos - color

Photographer further agrees to place the group and individual photos in a memory mate folder.

SECTION 3: Photographer further agrees to provide the following:

1. Free carbon fiber digital sponsor plaque with personalized appreciation message.
2. Youth Star Scholarship Program. A scholarship awarded to a high school senior who has participated in the Recreation Department's program.
3. Photo Delivery with three weeks of photo day.
4. Free Bag Tag for every photo day participant.
5. Photo Bucks (free memory mate coupon) for families that cannot afford pictures.
6. Photographer will sponsor one team in every sport.

SECTION 4: The parties further agree that the individuals and teams reserve the right to have photos re-shot if they are not satisfied with the quality of work. The Photographer agrees to have all finished work back to the individuals within three (3) weeks of initial shooting.

SECTION 5: The parties further agree that the Photographer is free to offer any other individual photograph or package to teams; however, the package listed is the only one guaranteed at the price quoted.

SECTION 6: The parties further acknowledge that the City will not prohibit individuals or teams from seeking to obtain individual or team photographs from other sources.

SECTION 7: The parties further agree the photographer may increase picture rates as Needed for inflation, production costs, etc. This increase shall be limited to a maximum of one Dollar per year (\$1.00) and be subject to approval by the Coeur d'Alene Recreation Department.

SECTION 8: If, through any cause, the Photographer shall fail to fulfill in a timely and proper manner his obligations under this agreement, including but not limited to poor quality, constantly missing delivery times, failure to retake a team, or if the Photographer shall violate any of the covenants, agreements, or stipulations of this agreement, the City shall thereupon have the right to terminate this agreement by giving written notice to the Photographer of such termination and specifying the effective date thereof, at least five (5) days before the effective date of such termination. In that event, all finished or unfinished documents, data, studies, surveys, and reports or other material prepared by the Photographer under this agreement shall at the option of the City become its property, and the Photographer shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and materials. Equitable compensation shall not exceed the amount reasonably billed for work actually done and expenses reasonably incurred.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed the day and year first above written.

**CITY OF COEUR D'ALENE
KOOTENAI COUNTY, IDAHO**

**LEGENDS SPORTS PHOTOGRAPHY,
INC.**

**By: _____
Steve Widmyer, Mayor**

**By: _____
Jeff McLaughlin, Owner/Photographer**

ATTEST:

Renata McLeod, City Clerk

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 3rd day of November, 2015, before me, a Notary Public, personally appeared **Steve Widmyer and Renata McCloud**, known to me to be the Mayor and City Clerk, respectively, of the City of Coeur d'Alene and the persons who executed the foregoing instrument and acknowledged to me that said City of Coeur d'Alene executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at _____
My Commission expires: _____

STATE OF IDAHO)
) ss.
County of Kootenai)

On this ____ day of November, 2015, before me, a Notary Public, personally appeared **Jeff McLaughlin**, known to me to be the Owner/Photographer, of **Legends Sports Photography**, and the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at _____
My Commission expires: _____

ANNOUNCEMENTS

OTHER COMMITTEE MINUTES
(Requiring Council Action)

Monday, October 26, 2015
GENERAL SERVICES COMMITTEE
MINUTES
12:00 p.m., Library Community Room

COMMITTEE MEMBERS

Council Member Ron Edinger, Chairperson
Council Member Steve Adams
Council Member Amy Evans

STAFF

Juanita Knight, Senior Legal Assistant
Wes Somerton, Chief Deputy City Attorney
Lee White, Police Chief
Steve Childers, Police Captain
Steve Anthony, Recreation Director
Keith Erickson, Communications Coordinator
Mike Gridley, City Attorney
Troy Tymesen, Finance Director

CITIZENS

Item 1. Approving Amendments to Municipal Code 8.36.100 Littering, 8.36.130 Dumping, Dropping, or Depositing of materials and 9.44.060 Curfew Penalties to make said violation an infraction.

(CB 15-1027)

Wes Somerton said the legislature in 2015 changed the penalties for littering and curfew violations from misdemeanors to infractions. The City of Coeur d'Alene has for many years had these violations as misdemeanors. As not to be in conflict with Idaho Code, the City now has the obligation to amend the city code sections relating to littering and curfew violations to infractions.

Mr. Somerton said Idaho Code provides a \$150 fine for curfew violation. The Council has two options for the city code. (1) an infraction under city code unless otherwise listed is a \$100 fine or (2) match the state statute by making the curfew violation a \$150 fine. Mr. Somerton noted that under the fine and forfeiture statute distribution under Idaho code, all juvenile money goes to the juvenile fund, none of it flows to the City.

Council Member Evans asked how many curfew violations there are a month. Mr. Somerton said those do not come to his office so he cannot answer that question. This is really a status offense not an arrestable offense. More of a mechanism for law enforcement to be able to have contact with the minor and their parents.

Councilmember Adams asked if most curfew fines are waived. Mr. Somerton said they are likely sent home and if they see them again it is most likely for another offense, not curfew.

Mr. Somerton said the purpose of curfew is to keep kids under the age of 18 off the streets late at night when things that aren't the best can occur to young children. It gives law enforcement the ability to make parents more involved.

Council Member Adams said he is leaning towards the lesser fine. Council Member Evans concurred.

MOTION: by Adams, seconded by Evans to recommend that Council authorize the amendment of Municipal Code Section 8.36.100 Littering, 8.36.130 Dumping, Dropping or Depositing of Materials, and 9.44.060 Curfew Penalties to Infractions establishing \$100 as the fine. Motion Carried.

Item 2. Approving Police Officers to engage in off-duty employment and set a public hearing for November 17, 2015 to establish a fee.

(Agenda)

Chief White requests authorization to allow Coeur d'Alene Police Officers to engage in off-duty employment and request that Council authorize City Staff to set a public hearing regarding the fee for this service. Chief White noted in his staff report that the Police Department receives occasional requests for officers to participate in non-traditional policing duties. Many Police Departments across the United States allow members to perform limited job duties in an off-duty capacity, in uniform, in an effort to meet this need. With approval of this proposal, officers would be allowed to work limited duties such as security or traffic control after approval from the Chief's office. There is very minimal financial impact for this proposal. Although payment will be made through the City, the fee for off duty work (hourly rate plus benefits) will be cost-neutral to the City and an additional processing fee for staff time will be included. Fees will be re-evaluated annually to ensure this program does not adversely affect the City's budget. Policy will be developed to ensure safeguards are met and accountability is maintained. ICRMP will cover our members when they perform work as described.

Council Member Adams said he wasn't sure he fully understood the reasoning of this before but now he thinks it sounds great.

Council Member Evans asked to confirm that ICRIMP has indeed approved this. Chief White replied yes.

MOTION: by Adams, seconded by Evans, to recommend that Council authorize the Police Department to engage in off-duty employment and authorize staff to set a public hearing regarding the fee for this service on November 17, 2015. Motion Carried.

**Item 3. Approve a Consulting Contract with Christie Wood for public relations duties.
(Resolution No. 15-062)**

Chief White is seeking approval to enter into a consulting agreement with Sgt. Christie Wood for Public Relations duties. Chief White noted in his staff report that Sgt. Christie Wood has elected to retire on December 16, 2015. Although the Public Information Officer (PIO) duties currently performed by Sgt. Wood will be passed along to another member of the Department and a back-up member, a few weeks of shadowing Sgt. Wood cannot replace her years of experience. Events from the summer of 2014 are a harsh reminder of how a poorly handled event can damage the reputation of a Department and the relationship between the City and community. The department is seeking approval to pay this consultant up to \$24,000 over three years to assist the Department and the City of Coeur d'Alene in media and public relations duties. Sgt. Wood will agree to assist with media-related duties as necessary, perform training for the new PIO, the back-up PIO, and the social medial groups used by the Police Department, and perform other public relations/ media duties as required.

Council Member Evans said Sgt. Wood will be missed dearly when she retires.

MOTION: by Evans, seconded by Adams, to recommend that Council adopt Resolution No. 15-062 approving an agreement for Professional Consulting Services with Christie Wood. Motion Carried.

**Item 4. Approval of the purchase of seven vehicles.
(Resolution No. 15-061)**

Chief White is seeking approval to purchase seven vehicles for the Police Department. Chief White noted in his staff report that six vehicles for the patrol division were approved to be purchased in the Fiscal Year 2015-2016 budget. Since that time, the City has also been reimbursed \$40,525.72 by ICRMP for the loss of one patrol vehicle. Our vehicle fleet is strained and additional vehicles would help our already taxed fleet. Since ICRMP reimbursed the City \$40,525.72, we are requesting that amount from the fund balance (General Fund) to offset the cost for one additional patrol vehicle. The remaining funds needed for purchasing and equipping these vehicles will come from the Police Department's previously approved budget. The Police Department is attempting to properly equip our officers, and the approval of one additional patrol vehicle, which has been at least partially funded through ICRMP, is a fiscally responsible way of meeting that goal.

MOTION: by Evans, seconded by Adams, to recommend that Council adopt Resolution No. 15-062 authorizing staff to purchase seven (7) patrol vehicles for the Police Department. Motion Carried.

**Item 5. Single Source Towing Provider – Rejection of bids.
(Resolution No. 15-061)**

Capt. Childers is requesting Council approval to reject all bids for a Single Source Towing Provider and authorize staff to draft a new RFP be advertised. Capt. Childers explained that 2 companies provided proposals. Both met the requirements however, there is concern over the dollar amount each company gave to regards what a single tow would cost. One provider gave a flat rate fee. The other took the flat rate fee and broke it down. Out of that it appears one is lower than the other but there is concern that the one that is lower, which is the proposal with the breakdown, could essentially become more expensive. After consulting with the Legal Department we have decided it is in our best interest to reject the bids and re-advertise. There has been some tweaking of the verbiage in the announcement to make sure we get it exactly how it should be from the tow providers. Each provider has been contacted to let them know what is going on.

Council Member Evans asked to clarify that when the bids are re-advertised, the PD will be very specific in how they want the bidders to submit their proposals. Capt. Childers replied yes.

Council Member Adams reiterated that the bidders have been contacted about this. Capt. Childers replied yes.

MOTION: by Adams, seconded by Evans, to recommend that Council adopt Resolution NO. 15-061 rejecting all bids received for the Single Source Towing Provider and authorize staff to advertise a new Request For Proposals (RFP). Motion Carried.

**Item 6. Contract extension with Legends Sports Photography for photography services through December 31, 2018.
(Resolution No. 15-061)**

Steve Anthony said this recommendation for approval is being forwarded from the Parks and Recreation Commission. Council is asked to authorize the extension of Legends Sports Photography services until December 31, 2018. They have been the City's photographer for the past 28 years. Legends provide great services and will keep the price at \$9.00 for the length of the agreement. They will also provide plaques to the

City at no charge, provide free team photos for the coaches and provide each player with a free bag tag, they sponsor teams in each of the programs, and they provide a College Scholarship to 3 seniors in the community.

MOTION: by Evans, seconded by Adams, to recommend that Council adopt Resolution No. 15-061 approving a Contract with Legends Sports Photography for photography services through December 31, 2018 for the Recreation Department. Motion Carried.

The meeting adjourned at 12:22 p.m.

Respectfully submitted,

Juanita Knight
Recording Secretary

**GENERAL SERVICES
STAFF REPORT**

Date: October 26, 2015
From: Coeur d'Alene City Attorney's Office – Criminal Division
Subjects: Amending Littering and Curfew Violations to Infractions

Decision Point:

Amend city code sections 8.36.100 Littering, 8.36.130 Dumping, Dropping or Depositing of Materials and 9.44.060 Curfew Penalties to make said violations infractions.

History:

The Idaho Constitution Art. XII Section 2 provides "Any . . . incorporated city . . . may make and enforce, within its limits, all such local police, sanitary or other regulations as are not in conflict with its charter or with the general laws." Idaho Code 50-302 provides "Cities shall make all such ordinances, bylaws, rule, regulations and resolutions not inconsistent with the laws of the state of Idaho . . ." The 2015 Idaho Legislature changed the penalties for littering and curfew violations from misdemeanors to infractions. The City of Coeur d'Alene City Code has for many years had violations for littering and curfew as misdemeanors. The City of Coeur d'Alene now has the obligation to amend the city code sections relating to littering and curfew violations to infractions.

Financial Analysis:

A violation will be an infraction under the existing city code. Law enforcement is already dealing with this type of behavior in the community so it is budget neutral as to impact on the Coeur d'Alene Police Department and is budget neutral for impact on the Coeur d'Alene City Attorney's Office.

Performance Analysis:

The proposed amendment will bring the Coeur d'Alene City Code into compliance with the Idaho Statutes.

Idaho Code Section 20-546 provides a \$150.00 fine for a curfew violation. You have two options for your city code. First, an infraction under city code unless otherwise listed is a \$100.00 fine. Second, match the state statute by making a curfew violation a \$150.00 fine.

Decision Point/Recommendation:

Authorize the amendment of City Code Sections 8.36.100 Littering, 8.36.130 Dumping, Dropping or Depositing of Materials, and 9.44.060 Curfew Penalties to Infractions.

ORDINANCE NO. 3526
COUNCIL BILL NO. 15-1027

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING CITY CODE SECTIONS 8.36.100 LITTERING, 8.36.130 DUMPING, DROPPING OR DEPOSITING OF MATERIALS AND 9.44.060 CURFEW PENALTIES TO BECOME INFRACTIONS; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Coeur d'Alene derives its police powers from the Idaho Constitution and through the Idaho statutes adopted by the Idaho Legislature;

WHEREAS, the 2015 Idaho Legislature amended the state statutes for littering making the unlawful depositing of materials an infraction, and

WHEREAS, the 2015 Idaho Legislature amended the state statutes for curfew violations making those violations an infraction;

WHEREAS, the Idaho Constitution, the state statutes and case law authorize municipalities to create their own criminal ordinances provided such ordinances do not conflict with State statutes on the same subject;

NOW THEREFORE, after recommendation by the General Services Committee it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendments be adopted; NOW, THEREFORE,

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

SECTION 1 . *That Coeur d'Alene Municipal Code Section 8.36.100 is amended to read as follows:*

8.36.100: LITTERING

It is unlawful for any person to dispose of, throw away or leave any empty container or other litter on any public park, grounds, parking facility or thoroughfare within the city; provided, however, that such empty container or other litter may be deposited in receptacles provided especially for that purpose. A violation of this section shall be an infraction as provided in section 1.28.010 of this code.

SECTION 2 . *That Coeur d'Alene Municipal Code Section 8.36.130 is amended to read as follows:*

8.36.130 DUMPING, DROPPING OR DEPOSITING OF MATERIALS:

Except during such times as the Coeur d'Alene city council may annually declare a leaf collection or garden waste period:

A. No vehicle shall be driven or moved on any street or highway unless the vehicle is so constructed, covered, or loaded as to prevent any of its contents or load from dropping, sifting, leaking, blowing, spilling or otherwise escaping therefrom.

B. Any person who drops, dumps, places, throws or otherwise deposits or who causes or permits to be dropped, dumped, placed, thrown or otherwise deposited upon any street any debris, paper, litter, glass bottles, glass, nails, tacks, hooks, cans, barbed wire, boards, trash, garbage, lighted material or other waste substances on any street or highway shall immediately remove the same or cause the same to be removed.

C. If such person fails to comply with the removal provisions of subsection B of this section, the city may remove or cause the removal of such material and the responsible person shall be liable for the cost of such removal, together with any other damages authorized by law including costs of action and reasonable attorney fees.

D. Violation of this section or any part hereof shall be an infraction ~~misdemeanor~~ as provided in section 1.28.010 of this code.

SECTION 3 . *That Coeur d'Alene Municipal Code Section 9.44.060 is amended to read as follows:*

9.44.060 PENALTIES

A. A person who violates a provision of this chapter is guilty of an infraction ~~misdemeanor~~ or subject to the provisions of the juvenile corrections act.

SECTION 4. All ordinances and parts of ordinances in conflict with these ordinances are hereby repealed.

SECTION 5. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinances committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 6. The provisions of these ordinances 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 these ordinances or their application to other persons or circumstances. It is hereby declared to be the legislative intent that these ordinances 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 therefrom.

SECTION 7. After its passage and adoption, a summary of this ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on November 3, 2015.

APPROVED, ADOPTED and SIGNED this 3rd day of November, 2015.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. 3526

Amending Municipal Code Sections Regarding Littering and Curfew

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING CITY CODE SECTIONS 8.36.100 LITTERING, 8.36.130 DUMPING, DROPPING OR DEPOSITING OF MATERIALS AND 9.44.060 CURFEW PENALTIES MAKING VIOLATIONS OF SAID SECTIONS INFRACTIONS, PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. 3526 IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Wesley J. Somerton, as the Chief Criminal Deputy City Attorney for the City of Coeur d'Alene, Idaho, have examined the attached summary of Coeur d'Alene Ordinance No. 3526, Amending Municipal Code Sections 8.36.100, 8.36.130 and 9.44.060 making said violations infractions, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 3rd day of November, 2015.

Wesley J. Somerton, Chief Criminal Deputy City Attorney

CITY COUNCIL
STAFF REPORT

DATE: October 20, 2015
FROM: Lee White, Chief of Police
SUBJECT: Off-duty employment of police officers

Decision Point: The Police Department requests authorization to allow Coeur d'Alene Police Officers to engage in off-duty employment and request that Council authorize City Staff to set a public hearing regarding the fee for this service.

History: The Police Department receives occasional requests for officers to participate in non-traditional policing duties. Many Police Departments across the United States allow members to perform limited job duties in an off-duty capacity, in uniform, in an effort to meet this need. With approval of this proposal, officers would be allowed to work limited duties such as security or traffic control after approval from the Chief's office. In short, this program will allow us to fill a need without pulling resources from other areas of the City.

Financial Analysis: There is very minimal financial impact for this proposal. Although payment will be made through the City, the fee for off duty work (hourly rate plus benefits) will be cost-neutral to the City and an additional processing fee for staff time will be included. Fees will be re-evaluated annually to ensure this program does not adversely affect the City's budget.

Performance Analysis: This program fills a need, is cost neutral to the City, and results in extremely low impact to the Police Department. Policy will be developed to ensure safeguards are met and accountability is maintained. ICRMP will cover our members when they perform work as described above.

Decision Point: The Police Department requests authorization to allow Coeur d'Alene Police Officers to engage in off-duty employment and request that Council authorize City Staff to set a public hearing regarding the fee for this service on November 17, 2015.

CITY COUNCIL
STAFF REPORT

DATE: October 7, 2015
FROM: Lee White, Chief of Police
SUBJECT: Consulting contract

Decision Point: The Police Department is seeking approval to enter into a consulting agreement for Public Relations duties.

History: Sgt. Christie Wood has elected to retire on December 16, 2015. Although the Public Information Officer (PIO) duties currently performed by Sgt. Wood will be passed along to another member of the Department and a back-up member, a few weeks of shadowing Sgt. Wood cannot replace her years of experience. Events from the summer of 2014 are a harsh reminder of how a poorly handled event can damage the reputation of a Department and the relationship between the City and community.

Financial Analysis: The department is seeking approval to pay this consultant up to \$24,000 over three years to assist the Department and the City of Coeur d'Alene in media and public relations duties.

Performance Analysis: The consultant will agree to assist with media-related duties as necessary, perform training for the new PIO, the back-up PIO, and the social medial groups used by the Police Department, and perform other public relations/ media duties as required.

Decision Point: The Police Department requests approval to enter into a consulting agreement for Public Relations duties.

RESOLUTION NO. 15-062

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES WITH CHRISTIE WOOD.

WHEREAS, the General Services Committee of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene enter into an Agreement for Professional Consulting Services with Christie Wood, pursuant to terms and conditions set forth in an agreement, a copy of which is attached hereto as Exhibit "1" and by reference made a part hereof; 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 agreement; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into an Agreement for Professional Consulting Services with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreement to the extent the substantive provisions of the agreement remain intact.

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

DATED this 3rd day of November, 2015.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER MILLER Voted _____

COUNCIL MEMBER EDINGER Voted _____

COUNCIL MEMBER EVANS Voted _____

COUNCIL MEMBER ADAMS Voted _____

_____ was absent. Motion _____.

AGREEMENT
FOR
PROFESSIONAL CONSULTING SERVICES

THIS AGREEMENT, made and dated this 3rd day of November, 2015, by and between the **City of Coeur d'Alene**, Idaho, hereinafter referred to "CITY", and **Christie Wood**, hereinafter referred to as the "CONSULTANT."

1. Scope of Services: Consultant shall perform the following professional services for the City: 1) training the new Police Department public information officer (PIO); 2) assist the City PIO as needed; and, 3) negotiate school resource (SRO) contracts with the Coeur d'Alene Public School District and North Idaho College, together with any other services that may be agreed to in writing by the parties.

2. Time of Performance: The initial term of this Agreement shall commence on April 1, 2016, and shall continue for twenty-four months or until Consultant has performed two hundred-forty (240) hours of work.

3. Independent Contractor: In all matters pertaining to this agreement, Consultant shall be acting as an independent contractor, and neither Consultant nor any officer, employee or agent of Consultant will be deemed an employee of City. The selection and designation of the personnel of the Consultant in the performance of this agreement shall be made by the Consultant.

4. Compensation: For performing the services specified in Paragraph 1 herein, the City agrees to pay A SUM NOT TO EXCEED Twenty-Four Thousand Dollars (\$24,000). As further inducement for the compensation to be paid by the City, Consultant agrees to execute a release of liability for all claims of any type against the City, known or unknown, that have accrued prior to April 1, 2016.

5. Method of Payment: Consultant will be paid One Thousand Dollars (\$1,000) monthly for twenty-four months or until she has completed two hundred forty (240) hours at which time any remaining balance of the Twenty-Four Thousand Dollars (\$24,000) will be paid to Consultant in a lump sum.

6. Notices: Any and all notices required to be given by either of the parties hereto, unless otherwise stated in this agreement, shall be in writing and be deemed communicated when mailed in the United States mail, certified, return receipt requested, addressed as follows:

Chief of Police
City of Coeur d'Alene
710 E Mullan Avenue
Coeur d'Alene, Idaho 83814

CONSULTANT
Christie Wood
Address:

Either party may change their address for the purpose of this paragraph by giving written notice of such change to the either in the manner herein provided.

7. Attorney Fees: Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorneys fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

8. Time is of the Essence: The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the party so failing to perform.

9. Assignment: It is expressly agreed and understood by the parties hereto, that Consultant shall not have the right to assign, transfer, hypothecate or sell any of its rights under this Agreement except upon the prior express written consent of City.

10. Discrimination Prohibited: In performing the services required herein, Consultant shall not discriminate against any person on the basis of race, color, religion, sex, national origin or ancestry, age or physical handicap.

11. Reports and Information: At such times and in such forms as the City may require, there shall be furnished to the City such statements, records, reports, data and information as the City may request pertaining to matters covered by this Agreement.

12. Publication, Reproduction and Use of Material: No material produced in whole or in part under this Agreement shall be subject to copyright in the United States or in any other country. The City shall have unrestricted authority to publish, disclose and otherwise use, in whole or in part, any reports, data or other materials prepared under this Agreement.

13. Compliance with Laws: In performing the scope of services required hereunder, Consultant shall comply with all applicable laws, ordinances, and codes of Federal, State, and local governments.

14. Termination for Cause: If, through any cause, Consultant shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or if Consultant shall violate any of the covenants, agreements, or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to Consultant of such termination and specifying the effective date thereof at least fifteen (15) days before the effective date of such termination. In such event, all finished or unfinished documents, data, maps, studies, surveys, drawings, models, photographs and reports prepared by Consultant under this Agreement shall, at the option of the City, become its property, and Consultant shall be entitled to receive just and equitable compensation for any work satisfactorily complete hereunder.

15. Construction and Severability: If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of completion.

16. Entire Agreement: This Agreement, and exhibits attached hereto, contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

17. Applicable Law: This Agreement shall be governed by the laws of the State of Idaho.

IN WITNESS WHEREOF, the City and Consultant have executed this Agreement as of the date first above written.

**CITY OF COEUR D'ALENE
KOOTENAI COUNTY, IDAHO**

CONSULTANT

By: _____
Steve Widmyer, Mayor

By: _____
Christie Wood

ATTEST:

Renata McLeod, City Clerk

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 3rd day of November, 2015, before me, a Notary Public, personally appeared **Steve Widmyer** and **Renata McLeod**, known to me to be the Mayor and City Clerk, respectively, of the City of Coeur d'Alene that executed the foregoing instrument and acknowledged to me that said City of Coeur d'Alene executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at _____
My Commission expires: _____

STATE OF IDAHO)
) ss.
County of Kootenai)

On this _____ day of November, 2015, before me, a Notary Public, personally appeared **Christie Wood**, known to me to be the person whose name is subscribed to the within instrument and acknowledged that she voluntarily executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at _____
My Commission expires: _____