

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

April 18, 2017

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room April 18, 2017 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

INVOCATION: Pastor Kurt Wandrey with Peace Lutheran Church provided the invocation.

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

PROCLAMATION OF APRIL 24-29, 2017 AS ARBOR WEEK – Mayor Widmyer proclaimed April 24-29, 2017 as Arbor Week. Urban Forestry Coordinator Katie Kosanke provided an update of the Arbor Week festivities including a ceremony that takes place on Saturday, April 29 at noon in McEuen Park. They will have door prizes, free seedlings, and refreshments. She noted that the City has received the Tree City USA award for the past 33 years, and will receive it again this year. Each year they hold a button design contest and this year's winner was Jacob Laumatia from the CDA Charter Academy. John Schwandt, Urban Forestry Committee member, presented a button to the Mayor and Council. Additional activities include a children's program at the Library on April 26 at 10:30 a.m. The Committee will be installing tree tags throughout the city, which will display tree care information and a note about the annual benefit of the tree. The Mayor thanked Ms. Kosanke for the outstanding urban forestry program she leads.

FISCAL YEAR 2015-2016 AUDIT REPORT –Toni Hackwith, CPA with Anderson Brothers, provided a report outlining the Audit for Fiscal Year 2015-2016. The code requires that if you receive more than \$750,000 in federal funds a single audit is required, which means in 2016 the city received both types of audits. She noted that the primary purpose of an audit is to assure the financial statements fairly state the position of the city as of a certain date, that they conform to GAAP standards, and that there are adequate disclosures. She provided the city with an independent auditor report on financial statements as an unmodified opinion. She additionally issued reports regarding compliance with each major program and on internal control over

compliance required by the uniform guidance and government accounting standards. She noted that the city's assets exceeded liabilities by \$311,350,786, which increased by \$6,467,128 from last year. Ms. Hackwith reviewed the general fund revenues and expenditures over the past five years, noting the growth in revenues and expenditures. The city's debt decreased by \$2,005,093. She noted that the wastewater fund increased revenue by \$584,165 from charges for service. Ms. Hackwith reviewed the importance of a healthy General Fund balance and that the standard set by the Government Finance Officers Association is a minimum of 5-15% of unassigned funds or no less than one to two months' worth of funds to cover operating expenditures. She additionally reviewed the Water and Wastewater funds revenues and expenses over the past five years, and recommended a review of the water fee structure to ensure the funds are self-sustaining.

Discussion ensued regarding the expenses versus revenue related to the G.O. Bond funds. Councilmember English asked for clarity regarding the water and wastewater funds sustainability and how the occasional large capital expenditures are captured. Ms. Hackwith noted that they should be factored into the user rates. Councilmember Gookin asked if the city was using cash accounting. Ms. Hackwith explained that the city uses modified accrual basis and accrual accounting for proprietary and business funds. She noted that the monthly financial statements are a cash accrual basis, which is a good method to oversee the funds. Councilmember Gookin asked for clarification regarding what is being used for depreciation. Ms. Hackwith explained that capital items such as buildings and vehicles are being depreciated in accordance to GAP accounting rules. Mayor Widmyer noted that the city budgets based on a cash basis, and reports are on a cash basis, and what the auditor does is transfer information to the accrual basis. Councilmember Edinger gave kudos to Finance Director Troy Tymesen and Deputy Finance Director Vonnie Jensen for doing a good job managing the city's finances and thanked Ms. Hackwith for her work over the past 20 plus years.

STREET PROJECTS OVERVIEW- Streets and Engineering Services Director Tim Martin provided an overview of the overlay, chip seal, and expected summer maintenance. He noted that the budget includes over \$1 Million for labor and materials for road maintenance projects, which demonstrates its importance to the city. He explained the process of chip sealing and its intent to make roads last longer between full overlays. The main chip seal areas scheduled for this year will be the E. Thomas Hill Drive and Nettleton Gulch areas. Several road projects will be underway this summer including the following major projects: Seltice Way from Northwest Boulevard to Huetter; Government Way from Hanley to Prairie; and U.S. 95 from Ironwood Drive to Emma Avenue and Ironwood Drive to Medina Avenue. He noted information is located on the city website at www.cdavid.org/projects. Councilmember Miller asked when the chip seal projects were scheduled to start. Mr. Martin noted that he is getting ready to go out to bid for the chip seal project; and clarified that this is a late summer type of project, as the weather should be as warm as it can be for the best results. He estimated that the projects would start in August and have a thirty-day contract. He clarified that the overlay program has a much shorter timeline in order to meet the need of summer time special events. Councilmember Edinger thanked Mr. Martin and his department regarding their winter snow removal.

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

1. Approval of Council Minutes for the March 31, 2017, April 4, 2017, April 6, 2017 Council Meeting.
2. Approval of Bills as Submitted.
3. Approval Financial Report
4. Approval of the General Service Meeting Minutes from the meeting held on April 10, 2017.
5. Setting of General Services and Public Works Committees meetings for April 24, 2017 at 12:00 noon and 4:00 p.m. respectively.
6. Setting of a Public Hearing on May 2, 2017 for amendments to City fees including public parking violations, and other department fees.
7. Approval of a Beer and Wine License for Midtown Pub; 826 N. 4th Street; Tomas W. Fisher (new)
8. Approval of the purchase of license plate recognition software for parking enforcement through sole-source procurement.
9. Approval of ordinance summaries for Ordinance No.'s 3551, 3552, 3553, 3554, 3560, 3563, 3564, 3565, and 3566.
10. **Resolution No. 17-022 - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ALLOWING FOR THE DESTRUCTION OF RECORDS RETAINED BY THE BUILDING SERVICES, LEGAL, MUNICIPAL SERVICES, ADMINISTRATION, AND FINANCE DEPARTMENTS, OVER TWO (2) YEARS OLD OR DEEMED TEMPORARY BY THE CITY COUNCIL.**

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

PUBLIC COMMENTS:

Terry Godbout, Coeur d'Alene, noted that he is a Fort Ground neighborhood homeowner and he recently found out that the City would be conducting a seasonal closure of Fort Ground Drive from Memorial Day through Labor Day. He felt that the City should conduct a public hearing on the issue, as he believes that 3,500 vehicles a day utilize this road. He noted that at the second workshop regarding the four-corner project Dell Hatch said the most contentious subject was the closure of Mullan Avenue. The recommendation at the time was to soften the roadway. He did not hear anything further until a Homeowner's Association meeting was held regarding the final design. Steve Anthony, the Parks and Recreation Director at the time, stated that a seasonal closure could be accommodated, but it was not agreed upon at that meeting. He requested that the Council make the final decision and have a public workshop regarding the street closure. Councilmember Gookin clarified that the closure is an administrative decision, and that he is in support of the closure as it allows the area to become one big park. He expressed concern with the large amount of pedestrian traffic, which will be larger this year with the opening of the carousel.

Ken Murphy, Coeur d'Alene, noted that he lives on Park Drive and recently found out that the property will be vacated along Garden Avenue in front of his house with the intent to place 10

houses at that location. He reviewed the Idaho Code and the urban renewal agency plan and knows that they operate under the authority/direction of the local government. He believes that the City should not allow this to occur. The urban renewal agency plan noted three options for the property; use as a pedestrian walkway, extension of the park, or partial renovation of existing houses to be resold as owner-occupied. He believes that they should be extending the park and making it nicer, not building houses.

APPOINTMENTS: Mayor Widmyer asked for the appointment of Brinnon Mandel to the Planning Commission, Tom Messina and Rick Green to the Design Review Commission, Michael Drobnock to the CDATV Committee, and Mic Armon to the ignite cda Board.

DISCUSSION: Councilmember Gookin requested that the appointment of Mic Armon be discussed separately.

MOTION: Motion by Edinger, seconded by Evans to approve the appointment of Brinnon Mandel to the Planning Commission, Tom Messina and Rick Green to the Design Review Commission, Michael Drobnock to the CDATV Committee. **Motion carried.**

DISCUSSION: Councilmember Gookin explained that he believes that the one way the Council has to have authority over the urban renewal board is through appointments, which is why he will not vote for the appointment of Mic Armon. He commended Mr. Armon for the job he has done, but he has concerns regarding the selling of and developing of property at the base of Tubbs Hill. Councilmember Edinger agrees that they should protect the base of Tubbs Hill as public space, as does the Tubbs Hill Foundation. However, he believes that withholding the appointment of Mr. Armon is not the only way to send a message to the Board. Councilmember English said he would support the appointment and appreciates that there is an option for the Tubbs Hill property to stay in public use. He noted that he did not think that the appointment process should be used to make that point. Councilmember Miller concurred that withholding the appointment was not a good way to send a message and that the annual workshop with ignite would be a better forum for the property discussion. She noted that the Board has been willing to listen to the Council's opinion at past workshops. Councilmember Edinger felt that it would be a nice gesture for ignite to give the property to the City or to the Tubbs Hill Foundation.

MOTION: Motion by Evans, seconded by McEvers to approve the appointment Mic Armon to the ignite cda Board. **Motion carried with Gookin voting no.**

COUNCIL BILL 17-1011

AN ORDINANCE REPEALING THE FOLLOWING SECTIONS OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO: 2.12.020 AND 2.12.030; AMENDING SECTION 2.12.040 OF THE MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF REPORT: Municipal Services Director Renata McLeod explained that during a recent public records request it brought to light that several Municipal Code sections related to appointed officials are antiquated. Municipal Code Section 2.12.020 states that the appointed official job duties shall be fixed by resolution. Idaho Code (50-207 and 50-208) provides an outline of duties for appointed positions, and the City has adopted the personnel rule systems that include all job descriptions, including those filled by appointed officials. Municipal Code 2.12.020 declares that the City Clerk shall keep three copies of each Resolution; however, the City does not adopt job duties by individual resolution (as they had upon appointment in the 1970's), rather one resolution adopting the personnel rules. The City Clerk can make certified copies of any original resolution at any time. Holding three copies is excessive. Staff recommends the repeal of Section 2.12.020 and 12.12.030 and the amendment to Section 2.12.040 to remove the references the resolution setting forth the job descriptions.

MOTION: Motion by McEvers, seconded by Edinger, to dispense with the rule and read **Council Bill No. 17-1011** once by title only.

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

MOTION: Motion by McEvers, seconded by English, to adopt **Council Bill 17-1011**.

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

RESOLUTION NO. 17-023

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN AGREEMENT FOR THE FINANCING OF CONSTRUCTION FOR THE SELTICE WAY IMPROVEMENT PROJECT WITH THE COEUR D'ALENE URBAN RENEWAL AGENCY D/B/A IGNITE CDA.

STAFF REPORT: City Engineer Chris Bosley explained that ignite cda agreed to pay up to \$4,560,000 for construction of the Seltice Way Revitalization project, which includes \$612,000 for construction phase services. Bids were opened March 14, 2017, and the construction contract was awarded to T. LaRiviere with a Base Bid amount of \$3,904,660.08. Additional funding is being provided by Hayden Area Regional Sewer Board (HARSB), Post Falls Highway District, and the City Water Department. A written agreement is needed between ignite cda and the City of Coeur d Alene to allow for this transfer of funds.

DISCUSSION: Councilmember McEvers questioned if this amount will cover the project costs. Mr. Bosley confirmed that the amount covers the construction contract, some additional alternates and contingency.

MOTION: Motion by Gookin, seconded by Edinger to approve **Resolution No. 17-023**, approving an Agreement with ignite cda for financing of construction for the Seltice Way Project.

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

RESOLUTION NO. 17-024

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF POE ASPHALT PAVING, INC., FOR THE 2017 OVERLAY PROJECT.

STAFF REPORT: Street and Engineering Services Director Tim Martin noted that the City held a bid opening on April 11, 2017 for the 2017 Overlay project. Three bids were received as follows: Poe Asphalt and Paving, Inc. \$529,767.15; Coeur d'Alene Paving, Inc. \$561,142.00; and Interstate Asphalt & Concrete, Co. \$703,643.90. The Overlay program has \$730,000.00 budgeted and staff recommends accepting the lowest responsive bid of Poe Asphalt and Paving, Inc.

DISCUSSION: Councilmember Gookin noted that the project seems well under budget and questioned how the remaining funds will be used. Mr. Martin explained that the line item includes the funding for the chip seal project, which is estimated to be an additional \$185,000.

MOTION: Motion by McEvers, seconded by Miller to approve **Resolution No. 17-024**, approving an Agreement with POE Asphalt Paving, Inc. for the award of the 2017 Overlay.

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

LEGISLATIVE HEARING: V-17-2: VACATION OF PORTION OF W. GARDEN AVENUE RIGHT-OF-WAY LOCATED WITHIN THE PLAT OF FORT SHERMAN ABANDONED MILITARY RESERVATION, RECORDED IN BOOK B OF PLATS AT PAGE 153A.

STAFF REPORT: Engineering Project Manager Dennis Grant noted that ignite cda has requested the vacation of a 96.5-foot wide portion of W. Garden Avenue. This right-of-way was originally dedicated to the City in the Fort Sherman Military Reserve Plat in 1908. The City is redeveloping Memorial Field, adding new recreational amenities, including a skate park, restrooms, sports courts, open play and picnic areas and constructing a new parking lot that will be accessed by Northwest Boulevard. The City is completing a land trade with the Urban Renewal District (ignite cda) to allow for park development. The purpose of the vacation is to allow the City to exchange a portion of the Garden Avenue Right-of-Way for a portion of ignite cda property. The land exchange will allow cohesive development of the new outdoor recreation facilities. He noted that he sent out 24 notices, and received two responses, one opposed and one neutral.

DISCUSSION: Councilmember Gookin asked if the property included in the land trade part of the regulations limits the use within Government Lot 48. City Attorney Mike Gridley explained

that Government Lot 48 is approximately 20 acres and this portion is a part of the original grant that requires a public park use.

PUBLIC COMMENTS: The Mayor called for public comments. With none being received, public comment was closed.

COUNCIL BILL 17-1012

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, VACATING A PORTION OF W. GARDEN AVENUE LOCATED WITHIN THE PLAT OF THE FORT SHERMAN ABANDONED MILITARY RESERVATION, RECORDED IN BOOK B OF PLATS AT PAGE 153A, GENERALLY DESCRIBED AS A 96.5 FOOT WIDE PORTION OF THE W. GARDEN AVENUE RIGHT-OF-WAY BETWEEN N. PARK DRIVE AND THE ABANDONED BNSF RAILROAD RIGHT-OF-WAY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

MOTION: Motion by McEvers, seconded by Miller, to dispense with the rule and read **Council Bill No. 17-1012** once by title only.

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

MOTION: Motion by McEvers, seconded by Miller, to adopt **Council Bill 17-1012**.

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

LEGISLATIVE HEARING: V-17-4 – VACATION OF ALLEY RIGHT-OF-WAY WITHIN A PORTION OF BLOCK 3, KOOTENAI ADDITION IN THE CITY OF COEUR D'ALENE AND VACATION OF RIGHT-OF-WAY OF A PORTION OF MELROSE STREET

STAFF REPORT: Engineering Project Manager Dennis Grant noted that Melrose Properties, LLC/Glacier 1919 Lincoln Way, LLC has requested the vacation of alley right-of-way within a portion of Block 3 and a portion of Melrose Street north of Emma Avenue and east of Medina Street. This right-of-way was dedicated to the City in the Kootenai Addition to the City of Coeur d'Alene plat in 1908. The dead-end alley is unimproved and not needed. Melrose Street is a dead-end Street and not needed. The property on each side of the alley and street are owned by the applicant. Several utilities exist within the alley and the street. An easement will be reserved to accommodate these utilities until such a time as they are relocated in cooperation with the

parties benefiting from, serving or being encumbered by these utilities. This easement would allow unrestricted access to the City utilities in that area. He noted that he sent out 35 notices, with no responses received.

DISCUSSION: Councilmember English asked for clarification as to why the process for vacations does not include the sale of the property. Mr. Grant explained that the Idaho Code prohibits the sale of property if the property was given to the city through a plat. When the property is vacated, the property taxes will be collected and there is potential for future development.

PUBLIC COMMENTS: The Mayor called for public comments. With none being received, public comment was closed.

COUNCIL BILL 17-1013

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, VACATING THAT PORTION OF THE ALLEY WITHIN BLOCK 3 AND MELROSE STREET, AS SHOWN ON THE PLAT OF THE KOOTENAI ADDITION TO THE CITY OF COEUR D'ALENE, RECORDED IN BOOK C OF PLATS, PAGE 8, RECORDS OF KOOTENAI COUNTY, AND GENERALLY DESCRIBED AS THAT PORTION OF THE ALLEY WITHIN BLOCK 3 AND THE MELROSE STREET RIGHT-OF-WAY NORTH OF EMMA AVENUE AND EAST OF MEDINA STREET, BEING SITUATED IN GOVERNMENT LOT 14, SECTION 11, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

MOTION: Motion by English , seconded by McEvers, to dispense with the rule and read **Council Bill No. 17-1013** once by title only.

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

MOTION: Motion by McEvers, seconded by Evans, to adopt **Council Bill 17-1013**.

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

RECESS: Motion by Gookin, seconded by McEvers, to recess to April 27, 2017 for a workshop with staff regarding the Fiscal Year 2017/2018 strategic planning, to be held in the Library Community Room, at noon, 702 E. Front Avenue. **Motion carried.**

The meeting adjourned at 7:48 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC, City Clerk