



Coeur d'Alene

CITY COUNCIL MEETING

August 6, 2013

MEMBERS OF THE CITY COUNCIL:

Sandi Bloem, Mayor

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

CONSENT CALENDAR

MINUTES OF A CONTINUED MEETING OF THE
COEUR D'ALENE CITY COUNCIL
HELD IN THE LIBRARY COMMUNITY ROOM
ON JULY 15, 2013 AT 5:30 P.M.

The City Council of the City of Coeur d'Alene met in continued session in the Library Community Room held at 5:30 P.M. on July 15, 2013, there being present upon roll call a quorum.

Sandi Bloem, Mayor

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

Steve Adams) Members of Council Absent

STAFF PRESENT: Troy Tymesen, Finance Director; Renata McLeod, City Clerk; Doug Eastwood, Parks Director and Steve Anthony Recreation Director.

CALL TO ORDER: Mayor Bloem called the meeting to order. Mayor Bloem clarified that a quorum of the City Council members were present. She explained that the City Council's role was to listen to public comments given to the Parks and Recreation Commission regarding Person Field and that the City Council will be seated in the audience.

The Parks and Recreation Commission opened public comment and held discussions regarding Person Field. They will add this item to their workshop agenda to be held August 6, 2013.

ADJOURN: Motion by Edinger, seconded by Gookin that there being no further business, this meeting is adjourned. Motion carried.

The meeting adjourned at 7:40 p.m.

Sandi Bloem, Mayor

ATTEST:

Renata McLeod, City Clerk

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

July 16, 2013

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room on July 16, 2013 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

INVOCATION: Led by Pastor Jonathan Owen, Heart of the City Church

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

PRESENTATION: Road Master Certification, T2 Awards: Bruce Drewes, Manager of Idaho Technology Transfer Center, explained that he provides technical assistance and training throughout the state of Idaho. The local Highway Safety Improvement program is utilized by the City of Coeur d'Alene. He presented the Road Master Awards, an advanced training certificate, to Sharron Simon and Terry Leigh.

PUBLIC COMMENTS: The Mayor clarified that the Person Field item is not on the agenda and therefore is not a decision point for this meeting; she stated that public comments would be held to three minutes this evening.

Person Field

Bruce MacNeil, 524 N. 17th Street, stated that the information in the Person Field flyer was incorrect and misleading, as he did not know until Friday night that Person Field topic would not be on the City Council Agenda. He took responsibility for the error and apologized. When the Park and Recreation meeting began, he felt that Councilman Kennedy called him and his neighbors out and felt it was bullying. Councilman Kennedy stated that he was clarifying that miss-information was out in the community and he wanted to clarify that a decision was not being made tonight regarding Person Field.

Annette Barnes, 1324 E. Pennsylvania Avenue, requested the Council zone Person Field as an open, green space, park. She would like to suggest another site for the Boys and Girls Club. She

stated that the BMX group has informed her that they would love to have the Club at the base of their site.

Mike Wigle, 515 N. 17th Street, stated that he was concerned with the economic growth at the Person Field end of the community, as it brings thousands of dollars to the community every weekend. He stated that the quality of people at the sporting events has allowed them to give up their block watch program. He provided the Council with a petition with 519 signatures requesting that the 7-acres is declared as open space for community use and would like use of a new zoning code that would protect open space. Councilman Goodlander stated that they can make changes to zoning code, but cannot bind future Councils. City Attorney, Mike Gridley stated that they City could apply to the Planning Commission to change the zone and a public hearing would be required. An appeal could be heard by a future Council, so it is difficult to say forever, as a future Council would have the power to change the zone. Mr. Wigle stated that he is not asking for protection into perpetuity but to remove the current threat of development. Councilman Goodlander stated that this Council has not set out to develop that park, and clarified that this Council has worked hard to keep this as a park. She explained that the Council was approached by the Boys and Girls Club and then asked them to talk to the neighbors. The Council is saying they want to look at the options and hear from the neighbors. Councilman Gookin asked if there was specific concern for the zone request. Mr. Wigle stated that it is to remove the threat of development of the park and/or fear of the Council giving the land away. Councilman Edinger stated that several Councilmembers attended the meeting with Park and Recreation last night and the recommendation was for it to go to an August workshop and that he would like to make a motion to look at different zoning. Mayor Bloem stated that she understands that the Public Works Committee has requested review of the creation of a Park Zone.

MOTION: Motion by Edinger, seconded by Gookin to have staff review option for securing Person Field as parkland and to bring recommendations back to the City Council at the August 6, 2013 meeting.

DISCUSSION: Mr. Gridley clarified that the Council would need to go through the Planning Commission as an applicant for a zone change. He could look at options regarding deed restrictions, etc. Councilman Kennedy clarified that the Parks and Recreation Commission were looking toward master planning the land. He felt that the zoning discussion is fine; however, master planning with the neighbors might be the best solution. Councilman Edinger said that the Park and Recreation workshop will not be held until August 6, but Mr. Gridley might be able to have a solution prior to that date and the neighborhood could work on a comprehensive plan for that area as an R-1 or some other security. Councilman McEvers stated that the City just got the land and would not like to rush things. Councilman Edinger felt that the neighbor has been waiting a long time.

Councilman Edinger Called for the question. Mr. Gridley clarified that the Council will have the authority for any use. **Motion failed for lack of a second.**

Councilman Goodlander stated that a zone change would take a lot longer than the solutions Mr. Gridley was suggesting. She would like to amend the motion to ask staff to come back with

recommendations /options to secure the property as parkland. Councilman Edinger stated that that was his intent of the motion. Councilman Gookin and Councilman Edinger confirmed that is how the motion should read. Councilman Kennedy did clarify that the Parks and Recreation Commission is busy with the four corners master planning; however felt that the Council should not circumvent their processes. He will ask to pull the item form the August 5, 2013 Park and Recreation Commission agenda. Councilman Edinger stated that the neighborhood is not against the Boys and Girls Club; they just do not believe it should be at Person Field and that there are other location options.

Councilman Edinger Called for the question. Motion failed.

Councilman Adams reiterated that the neighbors had been waiting a long time and deserved some breathing room, which this motion should provide. Councilman McEvers stated that he was present last night and heard the neighbors say leave the park the way it is and that was nice to hear. He stated that he agrees with the protection of the field and appreciated everyone's efforts. Councilman Goodlander stated that it would be nice to do a few improvements such as irrigation and that will have to be a neighborhood discussion. She stated that if the Council could facilitate the Boys and Girls Club in another way they would. Councilman Edinger Called for question, Question carried.

MOTION: Motion to have staff review option for securing Person Field as parkland and to bring recommendations back to the City Council at the August 6, 2013 meeting. **Carried.**

Doyles

Cynthia Palombi, 5317 Pinegrove Drive, stated that she was speaking on behalf of neighborhood protection, specifically regarding Doyle's Warehouse. She stated that she had spoken to several city staff members and was unable to get specific information regarding the proposed fence. She felt that a proposed 8-foot tall wall would not mitigate the sound issues and that the sound study conducted 7 years ago is not valid. She stated that the neighborhood wants to be included in the sound study. She believes that Doyles has outgrown their location and request that they stop using Park Avenue. Mr. Gridley stated that he will discuss the sound study with neighbors when the construction was completed, which should be September. He stated that several neighbors have contacted him stating that they believe the 8-foot wall would help mitigate many of the issues. Ms. Palombi stated that Pinegrove is elevated above Doyles so she does not believe the wall will mitigate the sound. Mr. Gridley offered to get a copy of the site plan to Ms. Palombi. Councilman Edinger stated that he would like to see this problem settled sooner rather than later.

Kathy Hunt, 5352 Pinegrove Drive, stated that she concurred with Ms. Palombi's comments. She stated that the owner of Doyles have made promises that he has not kept, for example the parking of the trucks and use of the Park Avenue gate. She provided pictures of the Doyle's site and the trucks. She asked the Council to ask Doyle's to park the refrigerated trucks on the east side, so that the neighborhood could open their windows at night. Councilman Gookin asked about the sound study and how the City will involve the neighbors in the process. Mr. Gridley stated that he has received about six responses from qualified sound testers, which will cost approximately \$4,000 and reiterated that Ms. Palombi has been the main contact, and the desire is to wait until the construction is complete to conduct a study.

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

1. Approval of Council Minutes for July 2, 2013.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for July 22, 2013 at 12:00 noon and 4:00 p.m. respectively.
4. **RESOLUTION NO. 13-039** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVING THE SURPLUS OF POLICE CANINE "JUSTICE" AND TRANSFER OF OWNERSHIP; APPROVING AN APPARATUS RENTAL AGREEMENT WITH THE IDAHO DEPARTMENT OF LANDS FOR THE FIRE DEPARTMENT; APPROVING A RELINQUISHMENT OF SANITARY SEWER EASEMENT WITHIN RIVERSTONE DEVELOPMENT; APPROVING A RELINQUISHMENT OF A PORTION OF 8TH STREET RIGHT-OF-WAY TO COEUR D'ALENE SCHOOL DISTRICT 271 AT BRYAN SCHOOL; APPROVING A SOLE SOURCE EXPENDITURE FOR TRAFFIC SIGNAL EQUIPMENT AT 3RD STREET AND HARRISON AVENUE INTERSECTION AND PLAN APPROVAL FOR THE INTERSECTION RECONSTRUCTION; AND APPROVING A CONTRACT FOR WWTP PHASE 5C.1 – INITIAL TMF AND NITRIFICATION IMPROVEMENTS WITH WILLIAMS BROTHER CONSTRUCTION, LLC.
5. Cemetery lot repurchase from Pamela Sarlo (Fuchs); Niche 21; Block F, Forest
6. Setting of a public hearing for August 20, 2013 for the final Assessment of LID 150; Government Way Improvement Project

DISCUSSION: Councilman Gookin asked for clarification of a bid protest and what the process is, as it seemed like the low bidder award was the correct process. Mr. Gridley stated that there was bid opening for the Phase 5C.1 and that the low bid was approximately \$100,000 less than the second lowest bid. Any bidder has the right to protest and that the City is required by law to award to the lowest responsive bidder. The second lowest bidder sent a letter of protest over trivial issues that do not affect the award of the bid to Williams Brothers, as the issues are not valid complaints. Mr. Gridley stated that in projects of this size it is probably worth it to the second lowest bidder to protest. Councilman Gookin asked if the City Council would be legally sound to award to the lowest bidder. Mr. Gridley confirmed that would be correct.

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

COUNCIL ANNOUNCEMENTS:

Councilman Gookin thanked the community members for coming out to provide public comment at the meetings two nights in a row.

Councilman Edinger stated that the 11-12 year old All-star team from Coeur d'Alene won the tournament undefeated. They will be playing the state championships this weekend at the Hayden field and the team includes his grandchild.

ADMINISTRATOR’S REPORT: City Administrator Wendy Gabriel expressed thanks to the Recreation Team for their superb efforts over this past weekend in hosting the State of Idaho Girls 14U Softball Tournament. With teams coming from all over the state, this tournament gave the City the opportunity to showcase its invaluable recreation programs and community quality of life. The players, coaches, and fans alike gave rave reviews of the excellence they receive from the Coeur d’Alene Recreation Department. She also expressed thanks to the Parks Department for Last weekend’s 6th Annual Parks Day Celebration and stated that it was a resounding success. This year’s celebration was held at Sunset and North Pines Parks. She also thanked all the volunteer groups and individuals. She noted that the sponsors were Waste Management, Greenstone Homes, Kootenai Electric Cooperative, JUB Engineers, the Hallock Family, Architects West and the Police Department. Additionally, she thanked Katie Kosanke for her 6th year in coordinating the Parks Day event. The Landings Well is back on line, since it suffered a catastrophic disintegration on May 17th. All major components of the well system needed to be replaced as a result. The new motor runs cooler and draws less amps than the old motor, which equates to longer motor life and greater efficiency. This has been a “race against the clock” to ensure water customer needs are fully met through the diligent efforts of the Water Department. The Coeur d’Alene Parks Department received a letter of appreciation for the outstanding service provided by Robert Cooper, a Parks Department Employee. The letter stated in part *“Recently my husband and I were searching for the location of a relative’s grave in Forest Cemetery. Robert Cooper was able to find the proper location for us and also provided some interesting facts regarding the history of the cemetery. It was obvious to us that he not only was knowledgeable regarding the layout of the cemetery and its history, but has a friendly, helpful attitude in dealing with the public.”* Ms. Gabriel expressed thanks to Mr. Cooper for his outstanding customer service. IT Design Administrator extraordinaire, Brandon Russell, recently completed the programming to allow for online park gazebo reservations, as well as the addition of re-roof permit submittals via the web. She stated that the City appreciates Brandon’s efforts to update City online services. Last week the Fire Department sent a crew to Spokane to cover one of their stations while they attended the funeral for one of their members who died in the line of duty. She expressed thanks to the crew under the command of Captain Jeff Sells who responded to a number of calls for the better part of the day. She informed the community that a free shuttle bus is available in Downtown Coeur d’Alene through September 1st. The shuttle will pick up passengers at the south lot at City Hall and at the graded lot on Northwest Boulevard near Memorial, with stops along the way at Lakeside & 2nd, Lakeside & 4th, and Lakeside and 6th Streets. The loop will repeat from 9:30 a.m. until 6:30 p.m. Monday – Saturday, and 11:00 a.m. to 5:00 p.m. on Sunday. Look for the special downtown bus that says “Welcome to Coeur d’Alene!” The enormously popular City Park Concert Series is in full swing with Tuxedo Junction Big Band providing big band and swing music this Sunday. These concerts in the park are held every Sunday during the summer months, from 1:00 p.m. to 4:00 p.m. at the Rotary Lakeside Bandshell in CDA City Park. Bring your lawn chairs and blankets and come out for a great time and great music. Lifeguards are busy staffing City Beach. The Recreation Department will have guards on duty 7 days a week, weather permitting, through August 18th. The guarded hours are from 11:30 a.m. to 6:00 p.m. When packing up that cooler for an afternoon at the City’s parks or beaches this summer, remember: No alcohol or glass beverage containers. It’s illegal to throw, carry, or possess any glass beverage container and any container holding alcohol, opened or not, in any park, beach, natural area, playground and playfield that the city of Coeur d’Alene owns, leases, or maintains, according to City Code. It is also illegal to make, use,

or have any open fires in those locations, except in designated barbeque areas. Fireworks on public property are also illegal, unless it is an authorized public display. John Dearth the Wastewater Lab Supervisor sent the day with the Region 10 Industrial Pre-treatment Inspector who conducted a special inspection including a review of records. The inspector had very positive comments regarding the inspection, which reflects the high standards of the City employees. She thanked him for his superb work.

Councilman Goodlander stated that the IT Division has saved the City large amounts of money by writing programs rather than purchasing them off the shelf. Mr. Tymesen stated that the programs include the City Building Permit program, on-line gazebo rentals, and credit card payment options, which allow the City to avoid paying fees to the bank. He estimated that the initial program savings was between \$40,000 and \$80,000 with an annual savings of approximately \$40,000.

RESOLUTION NO. 13-040

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING A NOTICE OF TIME AND PLACE OF PUBLIC HEARING OF THE PROPOSED BUDGET FOR FISCAL YEAR 2013-2014, AND INCLUDING PROPOSED EXPENDITURES BY FUND AND/OR DEPARTMENT, AND STATEMENT OF THE ESTIMATED REVENUE FROM PROPERTY TAXES AND THE TOTAL AMOUNT FROM SOURCES OTHER THAN PROPERTY TAXES OF THE CITY FOR THE ENSUING FISCAL YEAR AND LISTING EXPENDITURES AND REVENUES DURING EACH OF THE TWO (2) PREVIOUS FISCAL YEARS, AND PROVIDING FOR PUBLICATION OF THE SAME.

WHEREAS, it is necessary, pursuant to Idaho Code 50-1002, for the City Council of the City of Coeur d'Alene, prior to passing the Annual Appropriation Ordinance, to list expenditures and revenues during each of the two (2) previous fiscal years, prepare a Budget, tentatively approve the same, and enter such Budget at length in the journal of the proceedings and hold a public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene, that the following be and the same is hereby adopted as an Estimate of Expenditures and Anticipated Revenue of the City of Coeur d'Alene for the fiscal year beginning October 1, 2013:

	FY 2010-9 ACTUAL	FY 2011-12 ACTUAL	FY 2012-2013 BUDGET	FY 2013-14 PROPOSED
<u>GENERAL FUND</u> <u>EXPENDITURES</u>				
Mayor and Council	201,914	212,343	\$220,014	\$226,746
Administration	496,767	518,724	399,866	388,991
Finance Department	666,558	701,441	676,927	716,008
Municipal Services	1,261,718	1,372,554	1,369,649	1,415,855
Human Resources	233,443	239,002	241,663	275,158
Legal Department	1,345,812	1,405,891	1,428,897	1,486,368
Planning	471,507	443,586	475,512	444,102
Building Maintenance	1,195,611	489,465	398,419	426,004
Police Department	9,311,667	9,219,551	9,969,692	10,538,561
Byrne Grant – Police Dept	139,286	174,309	56,881	-0-
COPS Grant	190,182	221,325	69,819	116,856
KCJA	147,671	18,334	36,700	70,256
Fire Department	7,391,179	7,470,876	7,627,429	7,923,436
General Government	968,749	2,439,298	192,635	577,506
Engineering Services	1,263,834	1,221,329	1,238,436	1,267,362
Streets/Garage	2,171,991	2,129,874	2,390,303	2,466,147
ADA Sidewalk Abatement	196,238	207,147	220,785	249,856
Byrne Grant – Police Dept	177,984	166,440	92,196	-0-
Building Inspection	734,037	698,512	721,439	897,494
Parks Department	1,603,556	1,703,819	1,665,888	1,930,331
Recreation Department	666,606	700,389	764,454	757,009
<u>TOTAL GENERAL</u> <u>FUND</u> <u>EXPENDITURES:</u>	<u>\$30,836,310</u>	<u>\$31,754,209</u>	<u>\$30,257,604</u>	<u>\$32,174,046</u>

	FY 2010-11 ACTUAL	FY 2011-12 ACTUAL	FY 2012-13 BUDGET	FY 2013-14 PROPOSED
<u>SPECIAL REVENUE FUND EXPENDITURES:</u>				
Library Fund	1,190,385	1,253,860	1,278,960	1,330,230
CDBG	190,127	255,914	267,325	297,298
Impact Fee Fund	204,265	339,655	613,133	731,710
Parks Capital Improvement	214,400	301,461	881,215	460,800
Annexation Fee Fund		133,000	70,000	-0-
Self-Insurance	640,589	3,826,052	264,000	280,000
Cemetery Fund	238,669	211,866	239,300	272,688
Cemetery Perp Care Fund	97,169	97,374	98,000	98,000
Jewett House	15,424	22,254	42,000	59,640
Reforestation	50,627	32,704	1,500	2,000
Street Trees	58,900	55,793	65,000	65,000
Community Canopy	1,459	999	1,500	1,500
Arts Commission	6,421	5,974	7,000	6,600
Public Art Funds	40,154	156,945	245,000	250,800
KMPO	398,333			
<u>TOTAL SPECIAL FUNDS:</u>	<u>3,346,922</u>	<u>6,693,851</u>	<u>4,073,933</u>	<u>3,856,266</u>

	FY 2010-11 ACTUAL	FY 2011-12 ACTUAL	FY 2012-13 BUDGET	FY 2013-14 PROPOSED
<u>ENTERPRISE FUND EXPENDITURES:</u>				
Street Lighting Fund	635,574	643,560	570,050	572,000
Water Fund	6,469,842	6,976,312	7,602,289	8,209,692
Wastewater Fund	19,235,443	12,692,249	18,996,924	20,873,041
Water Cap Fee Fund		58,859	850,000	1,100,000
WWTP Cap Fees Fund	1,025,000	677,649	879,336	900,000
Sanitation Fund	3,155,553	3,291,325	3,285,480	3,499,362
City Parking Fund	199,593	859,966	575,957	179,957

Stormwater Management	1,497,856	1,182,873	923,967	1,017,428
TOTAL ENTERPRISE EXPENDITURES:	<u>32,218,861</u>	<u>26,382,793</u>	<u>33,684,003</u>	<u>36,351,480</u>
FIDUCIARY FUNDS:	2,456,681	2,474,276	2,538,100	2,567,700
CAPITAL PROJECTS FUNDS:	2,008,402	379,135	770,000	2,072,370
DEBT SERVICE FUNDS:	1,631,708	1,504,500	1,381,865	1,255,434
GRAND TOTAL OF ALL EXPENDITURES:	<u>\$72,498,884</u>	<u>\$69,188,764</u>	<u>\$72,705,505</u>	<u>\$78,277,296</u>
ESTIMATED REVENUES:	FY 2010-11 ACTUAL	FY 2011-12 ACTUAL	FY 2012-2013 BUDGET	FY 2013-2014 PROPOSED
Property Taxes:				
General Levy	15,531,312	15,841,744	15,890,917	17,047,922
Library Levy	1,185,018	1,216,658	1,189,170	1,189,170
Policeman's Retirement Fund Levy	156,501	155,718	152,000	152,000
Comprehensive Liability Plan Levy	2,766	365	-0-	-0-
Fireman's Retirement Fund Levy	250,000	250,000	250,000	250,000
2006 G.O. Bond Levy	1,068,075	1,163,224	1,143,045	1,143,895
TOTAL REVENUE FROM PROPERTY TAXES:	<u>18,193,672</u>	<u>18,627,709</u>	<u>18,625,132</u>	<u>19,782,987</u>

	FY 2010-11 ACTUAL	FY 2011-12 ACTUAL	FY 2012-13 BUDGET	FY 2013-14 PROPOSED
<u>ESTIMATED OTHER REVENUES:</u>				
Interfund Transfers	3,094,106	4,872,257	4,692,578	5,341,929
Beginning Balance	28,313,491	27,123,124	27,537,968	19,903,074
Other Revenue:				
General Fund	13,971,827	13,299,625	12,392,372	13,055,224
Library Fund	44,841	38,286	41,750	39,800
Community Development Block Grant	191,790	255,914	267,325	297,298
Parks Capital Improvement Fund	304,130	606,619	148,877	139,700
Insurance/Risk Management	3,518	3,147	2,900	1,500
Cemetery	166,641	149,888	149,300	155,892
Annexation Fee Fund	50,932	67,554	25,000	-0-
Impact Fee Fund	578,526	637,598	404,400	553,700
Cemetery Perpetual Care Fund	71,822	51,486	60,000	60,000
Jewett House	5,770	5,520	31,000	61,000
Reforestation	49,653	34,955	1,500	5,000
Street Trees	33,119	49,226	30,000	56,000
Community Canopy	1,006	1,952	1,500	1,500
Arts Commission	6,809	6,279	7,000	7,600
Public Art Funds	168,937	110,431		
KMPO	411,435			
Street Lighting Fund	488,625	492,751	490,050	492,000
Water Fund	3,902,193	4,060,837	3,964,696	4,361,690
Wastewater Fund	6,120,213	6,095,146	6,890,896	14,308,600

Water Cap Fee Fund	522,698	564,944	451,500	551,650
WWTP Capitalization Fees	1,027,725	1,513,972	879,326	800,000
Sanitation Fund	3,130,653	3,266,002	3,475,480	3,849,362
City Parking Fund	328,103	326,294	96,957	304,957
Stormwater Management	1,303,384	96,524	1,081,570	1,019,297
Fiduciary Funds	2,252,772	2,343,550	2,370,350	2,342,650
Capital Projects Fund	1,229,347	82,638	545,000	1,382,290
Debt Service Fund	142,609	104,145	45,260	9,300
SUMMARY:				
	FY 2010-11 ACTUAL	FY 2011-12 ACTUAL	FY 2012-13 BUDGET	FY 2013-14 PROPOSED
PROPERTY TAXES	18,193,672	18,627,709	18,625,132	19,782,987
OTHER THAN PROPERTY TAXES	67,916,675	66,260,664	66,084,555	69,101,013
TOTAL ESTIMATED REVENUES	<u>\$86,110,347</u>	<u>\$84,888,373</u>	<u>\$84,709,687</u>	<u>\$88,884,000</u>

STAFF REPORT: Mr. Tymesen stated that the City is moving forward into the budget cycle. He reiterated that the preliminary budget booklet will be available by Thursday of this week and that the public hearing is requested to be set for September 3, 2013. He stated that this action requested tonight will set the high water mark for the budget, a number that the City cannot exceed in the final budget and that City staff and the Council will have time to whittle the amount down as the process moves forward. Councilman Gookin asked why the Council did not get the backup information at this time, and why is this the first time this is being seen by the Council without any workshops. He stated that he did not feel that he had enough information to make a decision. Additionally, he stated that he has reviewed the AIC budget manual and feels that the City has not followed the suggested procedures and hoped that the Council would have more budget workshops. Mr. Tymesen stated that he believe he has followed the process as the strategic planning workshop was the beginning of the process. He stated that the smaller cities may have an easier time to coordinate meetings and that he has been working with Department Heads. Mr. Tymesen stated that this particular step is of limited value (but required by Idaho Code) as numbers were changing as of Friday due to health insurance costs. The City has a workshop scheduled for next Tuesday to go through the preliminary budget. Mr. Tymesen stated that this budget forecast is good and no foregone taxes are being recommended. He reiterated that there is plenty of time to make changes.

Councilman Kennedy asked if Councilman Gookin brought specific change requests to staff. Councilman Gookin stated that there were no specifics for him to address, such as last budget year's police robot known later in the process. He could general say he wants to keep taxes low, etc., but he has no specifics. Councilman Kennedy stated that it is difficult to understand how to request staff to do it differently as numbers are changes as quick as Friday and thought that Councilman Gookin would have prepared something for consideration. Councilman Gookin stated that according to the AIC manual there should be more interaction with Council such as workshops and meetings with department heads. Councilman Kennedy stated that Councilmembers could conduct meetings individually with department heads. Councilman Edinger stated that the budget workshop is July 23, and the budget public hearing is September 3, so we could have a couple meetings in between. Mr. Tymesen stated that was concurred. Councilman McEvers stated that he remembers 10 years ago when they used to do all the meetings and go through every line item and phone bills, etc. and the Council would do the effort then go back to Mr. Tymesen and the department heads and have them do the tweaking. Mr. Tymesen now brings the numbers and the Council has control over contracts and capital, Councilman McEvers stated that he puts his trust in the staff and expects them to bring him a balanced budget. Councilman Gookin stated that he believes the Council should be the decision making body. Councilman Kennedy stated that he trusts each department head and that not every line item needs to be reviewed, and reiterated that the Council votes on the budget in the end. Councilman Goodlander stated that Councilman McEvers reminded her that she is not a micromanager, and that each department knows their needs and that micromanaging is not efficient and causes a lack of trust. Councilman Gookin stated that the AIC guide provides guidelines for the budget process and he believes he should get involve and look at things to be verified within a public meeting. Councilman Edinger stated that in his history of serving on the Council, he believes the way the budget is currently done is better than how the City used to do it, and he has faith in the department heads. He clarified that he individually reviews the budget and talks to department heads before he votes on the budget and that additionally there is plenty of time to go over the budget.

MOTION: Motion by Kennedy, seconded by Goodlander to adopt Resolution 13-040 and the setting of a public hearing for September 3, 2013.

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

MOTION: Motion by Kennedy, seconded by McEvers to recess to July 23, 2013, at 2:00 p.m. in the Library Community Room for a Council Workshop regarding the 2013-2014 Fiscal Year budget. **Motion carried.**

The meeting adjourned at 7:51 p.m.

Sandi Bloem, Mayor

ATTEST:

Renata McLeod, City Clerk

A CONTINUED MEETING OF
THE COEUR D'ALENE CITY COUNCIL
JULY 23, 2013

The Mayor and Council of the City of Coeur d'Alene met in continued session in the Library Community Room at 2:00 p.m. on July 23, 2013 there being present upon roll call a quorum:

Sandi Bloem, Mayor

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

Mike Kennedy) Members of Council Absent

DEPARTMENT HEADS PRESENT: City Administrator Wendy Gabriel, Municipal Services Director Renata McLeod, Finance Director Troy Tymesen, Deputy Finance Director Vonnie Jensen, Deputy City Administrator Jon Ingalls, Parks Director Doug Eastwood, Library Director Bette Ammon, Water Superintendent Jim Markley, Fire Chief Kenny Gabriel, Police Chief Wayne Longo, Human Resources Director Pam MacDonald, Recreation Director Steve Anthony, Planning Director Dave Yadon, Building Services Director Ed Wagner, City Attorney Mike Gridley, Streets Superintendent Tim Martin, Engineering Project Manager Chris Bates (representing Engineering), and Wastewater Superintendent Sid Fredrickson.

FISCAL YEAR 2013-2014: Finance Director Troy Tymesen provided an overview of the preliminary financial plan for fiscal year 2013-2014. He mentioned that throughout the recession the City has not had to lay off any staff, by using savings from not filling vacant positions. The County has recently provided the city with the new building growth valuation of \$93,066,000. He recommended that the City take the new growth tax, which will expand the City's budget authority. During the budget process, the City looks at revenue and expenses, this includes an increase of 4.6% in Medical Insurance costs, which is good news and is less than prior estimated increase. He provided some of the highlights of the preliminary budget including Capital funding for loaders, 2% COLA increases for employees, and an overall decrease in service and supplies. The Building Department budget includes a new Electrical Inspector position. The plan also includes the addition of benefits for positions that are currently un-benefited as required by the Affordable Care Act. The Human Resources Department will monitor all positions for the next year to ensure that the City will be able to avoid penalties under the Act. Mr. Tymesen stated that he is not recommending the City Council take the allowed 3% increase in property taxes or any foregone tax dollars. He is recommending an increase in the Building Department revenue based on the new growth projections and using annexation fees. He stated a concern for the year includes the upcoming appeal of a large lawsuit. Expenditures are lowered due to the lower than expected insurance costs. He reviewed the capital replacement schedule and explained the need for a general obligation bond for Fire capital replacements for Fiscal Year 2014-2015.

Councilman Gookin asked if the City could capitalize replacements over time and not have to go out for bonds. Mr. Tymesen clarified that the City could capitalize items; however, in the past there has not been revenue to be able to do that.

Mr. Tymesen reviewed each department budget by highlighting the substantial changes from last year. He explained the cash on hand and that the appeal hearing for the lawsuit is set for October 1, and the results of that appeal are unknown. Councilman Gookin asked if the City is taking in more money than is needed. Mr. Tymesen stated that if the City does not grow it would have to shrink the organization. He has heard from the Council over the years to do his best to balance the budget without taking foregone taxes or the 3% increase in property taxes. Human Resources Director Pam MacDonald provided the information regarding when merit increases are available. Councilman Gookin stated that he is trying to figure out how the City found itself in the situation of the pay structure they are currently in, and who approves the top of the pay scale. Mayor Bloem stated that she is concerned that the comparisons to other cities' structures do not take under consideration the job descriptions and the longevity. She believes that the citizens need to know if they are getting a value for the taxes they are paying. Councilman Gookin stated he was concerned that the people in the middle are not progressing as fast as the people at the top due to the availability of the 8% merit increases for Department Heads. Councilman Edinger clarified that every Department Head has many duties and that he does not want to be involved in recommending an evaluation on an employee or what merit increase a Department Head should get. Ms. Gabriel provided examples of how the City is compared with other cities such as Twin Falls City Manager maximum is \$133,000 more than the City of Coeur d'Alene's maximum. Additionally, the City of Coeur d'Alene has flattened its organizational chart, and no longer has a Utility or Public Works Director, while Twin Falls does. Another area to consider when making the comparisons is the budget; Twin Fall's budget is \$53 million while the City of Coeur d'Alene is \$78 million. Councilman Goodlander stated that pay structure was put in place several years back, the longevity of the City employees is a huge benefit and believes the City is fortunate that there is such an effective management process in place.

Councilman Gookin asked if the budget includes contracts that are automatically renewed. Deputy City Administrator Jon Ingalls gave an example of the fuel contract, and clarified that the budget has money for fuel, but it does not alleviate the need to bring a new contract to the City Council for approval.

Councilman Gookin stated he had several questions for specific departments. Councilman Adams asked for a recess.

RECESS: The Mayor called for a 5-minute recess at 3:52 p.m. The meeting resumed at 4:00 p.m.

Councilman Gookin asked specific questions of the Administration, Engineering, Building, and Police Departments, and asked how the McEuen cost could be found in the budget. Mr. Tymesen explained that McEuen/Front Avenue funding, as approved by Council, was held in this year's budget and paid back through cash flow in next year's budget and that debt service on the LID would be delayed a year after the project is complete. Mr. Tymesen clarified that \$845,100 would be the LID maximum for Front Avenue.

Councilman Adams asked what the total is for the proposed COLA and merit increases. Mr. Tymesen stated that the General Fund includes \$436,332 for COLA and \$298,252 in merit increases.

Mr. Tymesen reviewed the capital project funds. Engineering Project Manager Chris Bates provided the details of the projects. Wastewater Superintendent Sid Fredrickson and Water Superintendent Jim Markley gave a brief update on the Enterprise Funds.

Mayor Bloem clarified that new growth does receive City services and does pay taxes and clarified that the City would not be receiving any of that revenue until it is requested by the City. She asked for confirmation that the cash balance forward and fund balance are two different things and wanted to know which is affected by the outcome of the October hearing. Mr. Tymesen stated that the City had dedicated all the dollars for that liability in the insurance fund, so that would be used, not the fund balance. Councilman Goodlander asked about the benefit of the insurance fund versus ICRMP insurance and the cost. City Attorney Mike Gridley stated that ICRMP would cost approximately \$650,000 per year, and clarified that the City is not sued often. He stated that the benefit of self-insurance is that the City controls its own destiny, if the suit was in the hands of an insurance company they could settle cases that the City and its constituents do not agree with. Mr. Tymesen stated that the Insurance premiums that the City currently pays for auto, etc., is approximately \$260,000. Councilman McEvers stated that he remembered when the City added approximately \$300,000 per year to the fund, but in hard times, the City could not add to it.

ADJOURNMENT: Motion by Edinger, seconded by Adams that there being no further business, the meeting be adjourned. **Motion carried.**

The meeting recessed at 4:31 p.m.

Sandi Bloem, Mayor

ATTEST:

Renata McLeod, City Clerk

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

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

[Office Use Only] Amt Pd 124.98
 Rec No 673719
 Date 01/31/13
 Date to City Council: _____
 Reg No. _____
 License No. _____
 Rv _____

Date that you would like to begin alcohol service September 2013

Check the ONE box that applies:

<input type="checkbox"/>	Beer only (canned and bottled) not consumed on premise	\$ 50.00 per year
<input checked="" type="checkbox"/>	Beer and Wine (canned and bottled) not consumed on premise <i>250+12 = 20.83 mo. x 6 mo \$124.98 Sept. - Feb. \$124.98</i>	\$250.00 per year
<input type="checkbox"/>	Beer only (canned and bottled only) consumed on premise	\$100.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled only) consumed on premise	\$300.00 per year
<input type="checkbox"/>	Beer only (draft, canned, and bottled) consumed on premise	\$200.00 per year
<input type="checkbox"/>	Beer and Wine (Draft, canned, and bottled) consumed on premise	\$400.00 per year
<input type="checkbox"/>	Beer, Wine, and Liquor (number issued limited by State of Id)	\$762.50 per year
<input type="checkbox"/>	Transfer of ownership of a City license with current year paid Beer-to go only \$6.25 Beer- Can, Bottled only \$12.50 Beer- Draft, can, bottled \$25 Consumed on premise yes no Transfer from _____ to _____	\$

Business Name	<u>Maverik, Inc.</u>
Business Mailing Address	<u>880 West Center Street</u>
City, State, Zip	<u>North Salt Lake, UT 84054</u>
Business Physical Address	<u>Maverik Inc. # 491-6415 N. Ramsey Rd.</u>
City, State, Zip	<u>Coeur D' Alene, ID 83814</u>
Business Contact	Business Telephone: <u>801-683-3628</u> Fax: <u>801-936-1165</u>
License Applicant	<u>Michael Call - President</u>
If Corporation, partnership, LLC etc. List all members/officers	<u>Please see Attached. ☺</u>

ANNOUNCEMENTS

Memo to Council

DATE: July 23, 2013

RE: Appointments to Boards/Commissions/Committees

The following re-appointment is presented for your consideration for the August 6th Council Meeting:

BRAD JORDAN

LAKE CITY DEVELOPMENT CORPORATION

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

Sincerely,

Amy Ferguson
Executive Assistant

cc: Renata McLeod, Municipal Services Director

Memo to Council

DATE: July 18, 2013

RE: Appointments to Boards/Commissions/Committees

The following re-appointments are presented for your consideration for the August 6th Council Meeting:

FAY SWENEY
BEVERLY MOSS

LIBRARY BOARD
PEDESTRIAN & BYCYCLE ADVISORY COMMITTEE

Copies of the available data sheets are in front of your mailboxes.

Sincerely,

Amy Ferguson
Executive Assistant

cc: Renata McLeod, Municipal Services Director
Bette Ammon, Library Director
Monte McCully, Ped/Bike Committee Liaison

Memo to Council

DATE: July 30, 2013

RE: Appointments to Boards/Commissions/Committees

The following appointments and reappointments are presented for your consideration at the August 6th Council Meeting:

Board/Committee/Commission	Student Name	Title	Appointment / Reappointment
Parking Commission	Luke Osmanski	Student Rep	Reappointment
Planning Commission	Grant Connery	Student Rep	Reappointment
Planning Commission	Cole O'Brien	Alt Student Rep	Appointment
Ped/Bike Committee	Devan Karsann	Student Rep	Appointment (formerly Alt Rep)
Parks & Rec Commission	Mason Patzer	Student Rep	Reappointment
Parks & Rec Commission	Addison Johnson	Alt Student Rep	Reappointment
Arts Commission	Gabi Olscamp	Student Rep	Reappointment
Arts Commission	Jodi Grantham	Alt Student Rep	Reappointment
Childcare Commission	Rachel Hogan	Student Rep	Reappointment
Natural Open Space Cmte	Riley Ellingsen	Student Rep	Appointment
Urban Forestry Committee	Cameron Cardenas	Student Rep	Appointment
Library Board	Michelle Nolan	Student Rep	Appointment
CDA TV Committee	Charley Smith	Student Rep	Appointment

Copies of the students' data sheets are in front of your mailboxes.

Amy Ferguson

Executive Assistant

cc: Renata McLeod, Municipal Services Director, CDA TV
Judy House, Parking Commission
Shana Stuhlmiller, Planning Commission
Chenoa Dahlberg, Pedestrian & Bicycle Advisory Committee
Chenoa Dahlberg, Parks & Recreation Commission
Kathy Lewis, Childcare Commission
Chenoa Dahlberg, Natural Open Space Committee
Katie Kosanke, Urban Forestry Committee
Bette Ammon, Library Board

OTHER BUSINESS

**GENERAL SERVICES
STAFF REPORT**

Date: July 16th, 2013

From: Doug Eastwood, Parks Director

SUBJECT: RENEWAL OF BMX ASSOCIATION AGREEMENT

DECISION POINT:

The BMX Association agreement is up for three year renewal. Recommendation from the Parks and Rec Commission to General Services/ City Council is to renew the agreement.

HISTORY:

The BMX Association was a major contributor to the BMX Track at Cherry Hill. They provided the equipment, labor and most of the material to construct the track. The Association has also been the main contributor to maintaining the track and preparing for event use. The track has been in place for nine years and has been very successful in engaging youth in the sport of BMX bicycling.

FINANCIAL ANALYSIS:

The BMX Association is saving us a lot of costs with regard to maintaining the track since they do the vast majority of the work. They will continue to do the maintenance of the track which also includes litter and debris removal within the vicinity of the track.

PERFORMANCE ANALYSIS:

Attached is the agreement that spells out the responsibilities and expectations of the BMX Association and the city.

DECISION POINT:

Recommend to City Council the renewal of the agreement for three more years with the option for an additional three year renewal provided that everything runs smoothly with BMX Association's responsibilities.

RESOLUTION NO. 13-041

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT WITH THE COEUR D'ALENE BMX ASSOCIATION FOR USE OF THE BMX TRACK AT CHERRY HILL COMMUNITY PARK.

WHEREAS, the City entered into an agreements with the Coeur d'Alene BMX Association pursuant to Resolution No's. 03-054 adopted May 23, 2003, 04-069 adopted July 6th, 2004, and 08-032 adopted June 3rd, 2008; and

WHEREAS, staff has recommended that the City of Coeur d'Alene renew the agreement for an addition three years with the option for an additional three year renewal pursuant to terms and conditions set forth in said agreement, 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, in substantially the form attached hereto as Exhibit "1" and incorporated herein by reference 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 6th day of August, 2013.

Sandi Bloem, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER GOODLANDER Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER ADAMS Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

AGREEMENT

AN AGREEMENT, entered into this 6th day of August, 2013, between the **CITY OF COEUR D' ALENE**, a municipal corporation organized pursuant to the laws of the state of Idaho, hereinafter referred to as "City," and the **COEUR D'ALENE BMX ASSOCIATION**, a nonprofit corporation, organized pursuant to the laws of Idaho, hereinafter referred to as the "Association".

WITNESSETH:

WHEREAS, City owns property abutting 15th Street and Hazel Avenue, commonly referred to as the Cherry Hill Community Park; and

WHEREAS, the active Cherry Hill Community Park includes a BMX track which the Association desires to use; and

WHEREAS, the Coeur d'Alene BMX Association has committed money and in kind services to help develop the Cherry Hill Community Park; and

WHEREAS, the parties now desire to enter into an agreement.

NOW, THEREFORE, IN CONSIDERATION of the covenants and conditions set forth herein, the parties agree as follows:

1. Term: The term of this agreement shall run from April 1, 2013 to April 1, 2016. The Parks and Recreation Commission, in its sole discretion, may recommend to the City that a second three-year agreement with the Association be negotiated with the City and that such negotiations would begin in November 2015.

2. Site: The BMX Track is more particularly described in Exhibit "A," attached hereto and by this reference incorporated herein.

3. Maintenance: Coeur d'Alene BMX Association will prepare and maintain BMX Track at the Cherry Hill Community Park.

4. Admission Costs and Fees: That all events at Cherry Hill Community Park will be open to the general public and no admission fee will be charged by the Association for admission to events at Cherry Hill Community Park without permission from the Parks Director, except as set forth in paragraph 13 below entitled "Set Aside of Park."

5. Clean-up of Site: All trash and debris generated by any event, practice or race held at the BMX Track at Cherry Hill Community Park shall be removed and properly disposed of by the Association. Miscellaneous items such as chairs and equipment must be removed from the

site after each event, practice or race. No structures or vehicles will be allowed to remain on site other than those identified in this agreement.

6. Storage Facility: A 12' x 20' storage facility will be allowed at the site for tools and supplies to be used by the Coeur d'Alene BMX Association. The design and placement of the storage facility will be made by the Coeur d'Alene Parks Director. Cost of the storage facility and amenities will be borne by the Association, including any permits that may be required.

7. Concessions: The Coeur d'Alene BMX Association may bring in a mobile concession for races or events, including vendors with items specific to the event. The Coeur d'Alene Parks Director will approve the design and placement. All permits must be obtained and paid for by the Association.

8. Improvements: Any improvements set forth in to this Agreement, shall be paid solely by the Association, no additional improvements shall be installed without prior written approval from the Parks Director.

9. Use of Track: The Coeur d'Alene BMX Association shall submit a schedule to the Coeur d'Alene Parks Director for approval at least two months prior to the beginning of the season. The City of Coeur d'Alene shall have priority use.

10. Proprietary Interest: The Association will have no proprietary interest in the improvements undertaken by the Association at Cherry Hill Community Park.

11. Fencing: No additional fencing will be installed other than portable fences for races or events. Portable fences cannot be installed sooner than twenty-four (24) hours before a race or events and must be removed within twenty-four (24) hours after a race or event.

12. Portable Fencing: That the location, fence material, and method of installation of the portable fences must be approved by the Parks Director, and said installation shall be done by the Association at the Association's sole expense unless the City agrees to install the portable fencing for a fee.

13. Set Aside of BMX Track: The Cherry Hill BMX Track may, at the City's discretion, be set aside for the Association for race and event purposes in consideration of fee described in section 4.

14. Use of Park: The Cherry Hill BMX Track shall not be exclusively used for BMX races or events and the City may schedule other activities there.

15. Loudspeakers: Any use of loudspeakers must conform to Municipal Code 5.24.030.

16. Hold Harmless: The Association shall indemnify, defend, and hold the City harmless for any claim or cause of action that may arise as a result of the Association's use, construction, and/or maintenance of the improvements by the Association. Additionally, the Association hereby agrees to hold the City, its elected and appointed officials, employees and

agents, harmless from any and all claims that may arise in any manner whatsoever from the events surrounding and including use of the active Cherry Hill Community Park by the BMX Association, its sponsor's, players, and fans. To this end, the Association shall provide liability insurance naming the City as an additional insured in the amount of Five Hundred Thousand Dollars (\$500,000) for property damage or bodily or personal injury, death or loss as a result of any one occurrence or accident regardless of the number of persons injured or the number of claimants. A certificate of insurance providing at least thirty (30) days written notice to the City prior to cancellation of the policy shall be filed with the office of the City Clerk prior on or before execution of this agreement, which the certificate must be approved by the City Attorney.

17. Compliance with Law: That the parties will abide by all the laws, ordinances, regulations, and policies of the City, the state of Idaho, or the federal government that may apply in regard to the use, construction, and/or maintenance of the improvements, and including but not limited to bidding and public works contracting laws.

18. Termination/Default: In the event the Association fails, neglects, or refuses to perform any covenant or condition required of the Association herein, that City may terminate this Agreement, retaining any and all payments made by the Association as liquidated damages, or the City may, at its option, enforce the specific performance of the terms hereof, or may take such recourse that is available in law or in equity.

19. Section Headings: The section headings of this Agreement are for clarity in reading and not intended to limit or expand the contents of the respective sections to which they appertain.

20. Attorney's fee: 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 cost and reasonable attorney 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.

21. Choice of Law/Jurisdiction: This Agreement shall be governed and interpreted in accord with the laws of the state of Idaho. Jurisdiction for resolution of disputes arising from performance of this Agreement shall rest with the courts of the state of Idaho. Venue shall lie in Kootenai County.

22. Entire Agreement: This Agreement constitutes the entire agreement between the parties hereto, and may not be modified except by an instrument in writing signed by the parties hereto.

IN WITNESS WHEREOF, the Mayor and the City Clerk of the City of Coeur d' Alene have executed this contract on behalf of said City, the City Clerk has affixed the seal of the said City hereto, and the Association has caused the same to be signed by its President, attested by its Secretary, and its seal to be affixed hereto, the day and year first above written.

CITY OF COEUR D' ALENE
KOOTENAI COUNTY, IDAHO

COEUR D' ALENE
BMX ASSOCIATION

By: _____
Sandi Bloem, Mayor

By: _____
President

Printed Name

By: _____
Renata McLeod, City Clerk

By: _____

Printed Name

STATE OF IDAHO)
) ss.
County of Kootenai)

On this ____ day of _____, 2013, before me, a Notary Public, personally appeared **Sandi Bloem and Renata McLeod**, 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 August, 2013, before me, a Notary Public, personally appeared _____, known to me to be the President of the **Coeur D'Alene BMX Association**, and the person whose name is subscribed to the within instrument and acknowledged 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: _____

EXHIBIT "A"



STAFF REPORT

DATE: July 25, 2013
TO: City Council
FROM: Steve Anthony, Arts Commission Liaison
SUBJECT: Art Selection for 4th Street Entrance McEuen Park

Decision Point:

The Coeur d'Alene Arts Commission requests that the City Council authorize an agreement with Howard Meehan for the sculpture named "Under the Rainbow" for the 4th Street Pedestrian Entrance into McEuen Park in the amount of \$110,000.00.

History:

The Arts Commission has identified McEuen Park for the placement of public art. A selection committee reviewed over 194 initial proposals and narrowed them down to 4 artist finalists who prepared maquettes for the committee. The maquettes were put on display at the Coeur d'Alene Library and comments were solicited. After further discussion, the committee selected the "Under the Rainbow" arch by Howard Meehan.

Financial Analysis:

The Arts Commission has budgeted for the placement of art in McEuen Park. This particular location has a budget of \$120,000.00. The proposed contract amount is for \$110,000.00. The project is being funded from the Art Commission's LCDC Public Art fund. The funds are dedicated funds and can only be used for Public Art.

Performance Analysis:

Once the contract is awarded to Mr. Meehan, construction will begin in August with a target installation date of December 31, 2013. The 4th & Front entrance has been identified in the McEuen Park Master plan as a possible location for art. This art piece will be placed at the main entrance to the park. The LED lighting can be programmed to different colors depending on the season of the year.

Decision Point:

That the City Council authorize an agreement with Howard Meehan for the sculpture named "Under the Rainbow" for the 4th Street Pedestrian Entrance into McEuen Park in the amount of \$110,000.00.

RESOLUTION NO. 13-042

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH HOWARD MEEHAN FOR THE CREATION AND INSTALLATION OF PUBLIC ART FOR THE 4TH STREET PEDESTRIAN ENTRANCE TO MCEUEN PARK.

WHEREAS, the Arts Commission of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene enter into a Professional Services Agreement, pursuant to terms and conditions set forth in said agreement, 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 a Professional Services Agreement with Howard Meehan, in substantially the form attached hereto as Exhibit "1" and incorporated herein by reference 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 6th day of August, 2013.

Sandi Bloem, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER GOODLANDER Voted _____

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER ADAMS Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

PERSONAL SERVICES AGREEMENT

Between

HOWARD MEEHAN

And

THE CITY OF COEUR D'ALENE

for

CREATION AND INSTALLATION OF PUBLIC ART

4TH & FRONT STREETS ENTRANCE TO McEUEEN PARK

THIS CONTRACT, made and entered into this 6th day of August, 2013, between the **CITY OF COEUR D'ALENE**, Kootenai County, Idaho, a municipal corporation and political subdivision of the state of Idaho, hereinafter referred to as the "City," and **HOWARD MEEHAN**, 4202 Silent Wing, Santa Fe, New Mexico 87507, hereinafter referred to as the "Artist,"

WITNESSETH:

Section 1. Employment of the Artist. The City hereby agrees to engage the Artist to perform the services for design, construction, placement, installation and installation supervision of the exterior public art at *4th Street and Front entrance to McEuen Park*, as hereinafter set forth in Artist's Proposal attached hereto and incorporated herein as Exhibit "A."

Section 2. Personnel.

- A. The Artist represents that Artist will perform the services under this contract and shall not be an employee of the City.
- B. All of the services required hereunder will be performed by the Artist.

Section 3. Time of Performance. The services of the Artist shall commence upon execution of this contract by the Mayor and shall be completed within 6 months of this contract being executed. A specific date of installation shall be coordinated by the Artist with the City's Recreation Director.

Section 4. Compensation.

- A. Subject to the provisions of this agreement, the City shall pay the Artist a total of One Hundred Ten Thousand Dollars and no/100's (\$110,000.00) for services, payable, upon receipt of Artist invoice, as follows:
 - 1. \$50,000 at the start of the project
 - 2. \$50,000 at mid-construction
 - 3. \$10,000 thirty (30) days after installation of the art object

B. Except as otherwise provided in this agreement, the City shall not provide any additional compensation, payment, use of facilities, service or other things of value to the Artist in connection with performance of contract duties.

Section 5. Assignability. The Artist shall not delegate duties or otherwise subcontract work or services under this contract, except for installation and landscaping as described in the Artist's Proposal. The Artist may use other individuals working under her supervision to assist him in the construction and the installation of the public art object.

Section 6. Interest of the Artist. The Artist covenants that he presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this contract.

Section 7. Relationship of the Parties. The Artist shall perform his obligations hereunder as an independent contractor of the City. The City may administer this contract and monitor the Artist's compliance with this agreement but shall not supervise or otherwise direct the Artist except to provide recommendations and to provide approvals pursuant to this agreement.

Section 8. Hold Harmless. Artist shall furnish and install barriers to prevent accidents while installing the public art object on the site and shall indemnify, defend and hold the city harmless from all claims for injury to person or property resulting from the Artist's actions or omissions in performance of this agreement.

Section 9. Warranties.

A. The Artist shall not be responsible for the maintenance of the public art object or for any damages resulting from the City's failure to maintain the public art object nor from any causes beyond the control of the Artist.

B. The Artist shall obtain from the supplier and provide to the City a warranty on materials associated with the public art.

Section 10. Ownership. The City shall maintain ownership and all rights to the public art object once it is completed and installed. However, the City agrees it will include the name of the artists and the name of the public art object in any publication, depiction or rendering of the public art object that the City allows.

IN WITNESS WHEREOF, this agreement is executed the day and year first written above.

CITY OF COEUR D'ALENE

ARTIST

Sandi Bloem, Mayor

Howard Meehan

ATTEST:

Renata McLeod, City Clerk

STATE OF IDAHO)
) ss.
County of Kootenai)

On this _____ day of August, 2013, before me, a Notary Public, personally appeared **Sandi Bloem** 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 _____)
) ss.
County of _____)

On this _____ day of August, 2013, before me, a Notary Public, personally appeared **Howard Meehan**, known to me to be the person who executed the foregoing instrument and acknowledged to me that he 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 _____
Residing at _____
My Commission expires: _____



HOWARD MEEHAN

COEUR D ALENE: MCEUEN PARK ENTRY ARCH

"UNDER THE RAINBOW"

We want to create a pedestrian archway to McEuen Park that compliments the waterfront and captures the imagination and excitement of the citizens of Coeur d Arlene. The gateway to this park will be visually exciting with interlaced cables strung between 2 steel yoke pillars forming the arch. We see a connection between Public Art and Public Performance. We want interaction and public participation at the entry to the park. A rainbow of constantly changing colors that reflect and energize this public space must be *dynamic and engage viewing public*.

We want the viewer to experience a sense of wonder and excitement when they walk under the colorful rainbow, see the park in the background and the great lake beyond. The programmable LED lighting effects will further enhance the appearance during the day with light refraction from the polished steel cables. In the evening hours we'll engage the viewer with a sustained colorful light show moving across the stainless steel arch. The powder coated steel yokes painted anodized silver will be 5' wide at the base rising to 12' in width. The structure will rise to 30' in height, with cables interwoven will stretch to 46'/60' wide. This arch will be a memorable and timeless icon that will revitalize McEuen Park. We want the people and visitors to Coeur d Alene to feel a sense of place, and visceral power and beauty of walking day or night "Under the Rainbow."

Public Art projects of an architectural scale require an artist who can create strong conceptual images and a visionary plan for a public space. We discuss broad issues and ideas with planners, architects, contractors, and administrators who are part of this development process. We've worked successfully with landscape and planning groups like Design Workshop, Carter & Burgess and HOK. We want the public art elements to be integral to a site plan and capture the public's imagination and excitement.

Let us show you what we can do.



Howard Meehan

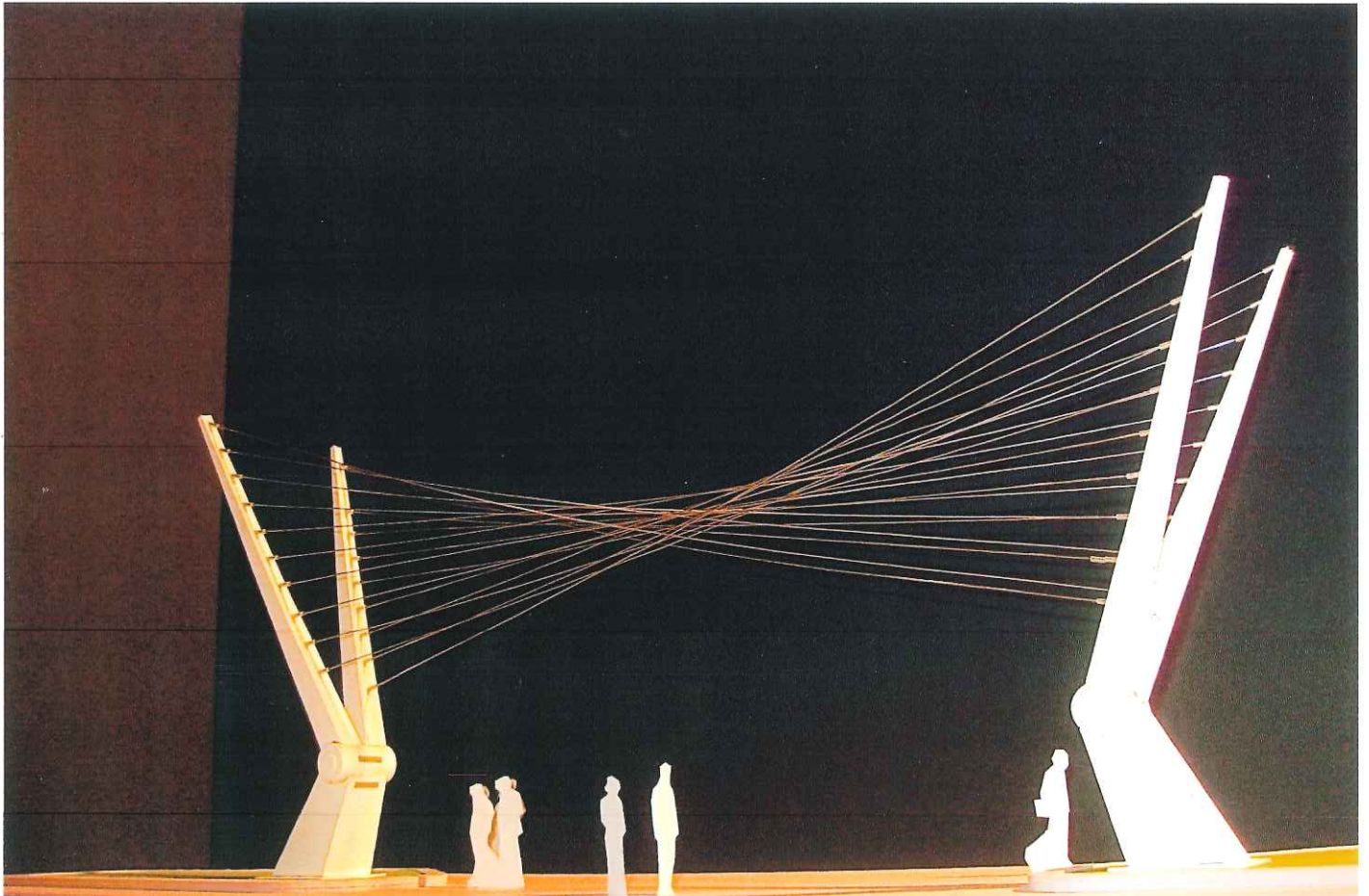
SEEING ART AS A CATALYST FOR SOCIAL INTERACTION AND UNDERSTANDING



COEUR D' ALENE: MCEUEN PARK ENTRY ARCH

"UNDER THE RAINBOW"

PROPOSAL



HOWARD MEEHAN

4204 SILENT WING, SANTA FE, NEW MEXICO 87083 505-577-7485

HOWARD@HMEEHAN.COM WEB SITE: HMEEHAN.COM

CITY COUNCIL STAFF REPORT

DATE: August 6, 2013
FROM: James Remitz, Capital Program Manager
SUBJECT: Approving Amendment No. 1 to Loan #WW1307

=====

DECISION POINT:

To approve Amendment Number 1 to the Loan Offer Agreement between the Idaho Department of Environmental Quality (DEQ) and the City of Coeur d'Alene for the construction of the Wastewater Phase 5C.1 – Initial TMF and Nitrification Improvements project. The amendment provides an additional \$970,367 in funding to loan #WW 1307 for this project.

HISTORY:

The City of Coeur d'Alene applied for and received a loan offer from DEQ for the construction of the Wastewater Phase 5C.1 project in the amount of \$7,700,000. This loan offer was obtained from DEQ after the City obtained judicial confirmation to incur debt for this ordinary and necessary improvement to the Wastewater Treatment Facility

PERFORMANCE ANALYSIS:

After receiving bids for the construction of the project, the cost of construction exceeded the original loan amount by \$970,367. This was due to 1) Wastewater's need to replace aging aeration equipment and 2) the increased labor costs (Davis –Bacon wage rates) required by the terms of the DEQ loan offer.

FINANCIAL ANALYSIS:

Approval of this amendment will allow for the entire anticipated cost of construction, \$ 8,670,367, to be funded by the low interest (2%) fixed rate for a 20 year amortization DEQ Loan #WW 1307 thereby maintaining cash reserves of the Wastewater Fund and following the rate analysis recommendation for borrowing funds at a low interest rate for long term capital needs.

RECOMMENDATION:

To approve Amendment Number 1 to the Loan Offer Agreement between the Idaho Department of Environmental Quality (DEQ) and the City of Coeur d'Alene for the construction of the Wastewater Phase 5C.1 – Initial TMF and Nitrification Improvements project. The amendment provides an additional \$970,367 in funding to loan #WW 1307 for this project.

CITY OF COEUR D'ALENE, IDAHO

EXCERPT FROM MINUTES

The City Council of the City of Coeur d'Alene, Idaho, met in regular session at the Coeur d'Alene Library Community Room, 702 E. Front Street, Coeur d'Alene, Idaho, on Tuesday, August 6, 2013 2013, at 6:00 p.m.

There were present at said meeting the following:

Council Members:

Steve Adams
Loren "Ron" Edinger
Deanna Goodlander
Dan Gookin
Mike Kennedy
Woody McEvers

There were the following Council Members absent:

There were also present:

Sandi Bloem, Mayor
Troy Tymesen, Finance Director
Renata McLeod, City Clerk

Mayor Bloem introduced the following Resolution No. 13-043 (the "Resolution"):

RESOLUTION NO. 13-043

WHEREAS, the City of Coeur d'Alene, Kootenai County, Idaho (the "City") is a body politic and corporate duly organized, operating and existing under and pursuant to the provisions of the Constitution and the laws of the State of Idaho;

WHEREAS, the City Council (the "Council") of the City is authorized and empowered by the Revenue Bond Act, Idaho Code Sections 50-1027 through 50-1042, inclusive, and the Municipal Bond Law of the State of Idaho, being Idaho Code, Title 57, Chapter 2, to authorize, issue, sell and deliver revenue bonds to finance the acquisition and construction of improvements and additions to the wastewater system of the City (the "System");

WHEREAS, on April 15, 2013, the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, in Case No. CV-13-338, issued its Judgment ordering and decreeing, among other things, that the City has the authority to issue revenue bonds, without a public vote, to finance improvements to the City's System (the "Project");

WHEREAS, to finance a portion of the Project, the City and the State of Idaho Department of Environmental Quality ("IDEQ") previously entered into that certain Loan Offer, Acceptance and Agreement for Wastewater Treatment Facility Design and Construction (the "Loan Offer") dated May 22, 2013, Project Number WW1307, providing for a loan from IDEQ to the City in the principal amount of up to \$7,700,000;

WHEREAS, the City has requested that the Loan Offer be amended to increase the loan amount thereunder by \$970,367, and the IDEQ has agreed to such increase, which results in a total loan amount to \$8,670,367, pursuant to the Idaho Department of Environmental Quality Wastewater Loan Offer Agreement Amendment in the form attached to this Resolution as Exhibit A (the "Loan Offer Amendment");

WHEREAS, the City desires to approve and accept the Loan Offer Amendment and authorize the Mayor or the City's Finance Director to execute the Loan Offer Amendment, and deliver the same to IDEQ;

WHEREAS, the City desires to authorize the City's officials to take all action necessary or reasonably required to effectuate the Loan Offer, as amended by the Loan Offer Amendment.

NOW, THEREFORE, be it resolved by the Council as follows:

Section 1. Approval of Loan Offer Amendment. The form, terms and provisions of the Loan Offer Amendment to be entered into, accepted, approved and/or acknowledged, as applicable, by the City be, and they are hereby, approved and authorized, and the Mayor or City Finance Director is hereby authorized to execute the Loan Offer Amendment.

Section 2. Delivery of Documents to IDEQ. The officials of the City are authorized to deliver to IDEQ the executed Loan Offer Amendment, together with a copy of this Resolution.

Section 3. Necessary Actions. The Mayor and other officers and agents of the City shall take all actions necessary or reasonably required by the Loan Offer and Loan Offer Amendment to effectuate the provisions thereof.

CITY OF COEUR D'ALENE, IDAHO

By _____
Sandi Bloem, Mayor

ATTEST:

By _____
Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER MCEVERS	Voted _____
COUNCIL MEMBER GOOKIN	Voted _____
COUNCIL MEMBER GOODLANDER	Voted _____
COUNCIL MEMBER KENNEDY	Voted _____
COUNCIL MEMBER ADAMS	Voted _____
COUNCIL MEMBER EDINGER	Voted _____

_____ was absent. Motion _____.

EXHIBIT A

LOAN OFFER AMENDMENT

A motion to adopt the foregoing Resolution was then duly made by Council Member _____ and duly seconded by Council Member _____, and was put to a vote, the vote being as follows:

Those Voting Yes:

Steve Adams
Loren "Ron" Edinger
Deanna Goodlander
Dan Gookin
Mike Kennedy
Woody McEvers

Those Voting No:

Those Absent:

After consideration of other business unrelated to the foregoing Resolution, on motion duly made, seconded and adopted, the meeting thereupon adjourned.

CITY OF COEUR D' ALENE, IDAHO

By _____
Sandi Bloem, Mayor

ATTEST:

By _____
Renata McLeod, Clerk



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502

C.L. "Butch" Otter, Governor
Curt Fransen, Director

July 24, 2013

Certified mail no.: 7010 3090 0002 3445 5133

The Honorable Sandi Bloem
Mayor of City of Coeur d'Alene
710 E Mullan Avenue
Coeur d'Alene, Idaho 83814

Re: Amendment to loan #WW1307

Dear Mayor Bloem:

Enclosed with this letter is the amendment to loan #WW1307. The amount of loan #WW1307 is being increased by \$970,367 due to greater than expected costs associated construction. Attached is the amendment to the May 22, 2013 wastewater loan offer between the Department of Environmental Quality and the City of Coeur d'Alene.

Please review the attached documents. If you find them satisfactory, sign and return the original documents through certified mail on or before 60 days from the date of this DEQ amended loan offer to:

MaryAnna Peavey
Idaho Department of Environmental Quality
1410 North Hilton
Boise, Idaho 83706

If you have any questions regarding this amendment, please contact MaryAnna Peavey at (208) 373-0122.

Sincerely,

A handwritten signature in blue ink that reads "Barry N. Burnell".

Barry N. Burnell
Water Quality Division Administrator

Enclosure

BNB:MHP:dls

TRIM: #2013ALN2290

c: Katy Baker-Casile, DEQ Coeur d'Alene Regional Office
Jim Remitz, City of Coeur d'Alene (jremitz@cdaid.org)
Sid Fredrickson, Wastewater Superintendent, (sjdf@cdaid.org)
Bill Hart, DEQ State Office

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY WASTEWATER
LOAN OFFER AGREEMENT AMENDMENT

Amendment No. 1 to the Loan Offer Agreement (Agreement), Project Number WW1307, between the Idaho Department of Environmental Quality (DEQ) and City of Coeur d'Alene.

TO BE ATTACHED AND MADE PART OF the above referenced Agreement.

THE DEQ AND THE CITY OF COEUR D'ALENE AGREE TO AMEND THE AGREEMENT AS FOLLOWS:

1. Section II.D., Terms: Change to read: \$8,670,367 at 2.0% (interest 1.0% and loan fee of 1.0%) to be repaid in biannual installments over 20 years.
2. Section II.E., Estimated Project Budget (replace the existing schedule with the following):

	Original Project Costs	Amendment 1 Increase	Total Project Costs
a. Engineering Fees	\$1,243,098	\$0	\$1,243,098
b. Construction	\$6,456,902	\$970,367	\$7,427,269
c. Contingency	\$0	\$0	\$0
Total	\$7,700,000	\$970,367	\$8,670,367

3. Section VI.A. Security Requirements: Change amount of promissory note to \$8,670,367 (eight million six hundred seventy thousand three hundred sixty seven dollars).

Dated this 23 day of July, 2013.



Curt A. Fransen
Director
Department of Environmental Quality

This Amendment shall become effective upon acceptance by the City of Coeur d'Alene and must be accepted, if at all, on or before 60 days from the date of this DEQ amended loan offer. If the City of Coeur d'Alene finds the Amendment acceptable, it shall sign the document and return it to DEQ.

ALL OTHER CONDITIONS AND TERMS IN THE ORIGINAL AGREEMENT REMAIN THE SAME.

City of Coeur d'Alene

Signature of Representative

Date

Name and Title of Representative

RESOLUTION NO. 13-044

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO DECLARING PERSON FIELD TO REMAIN PARK LAND AND OPEN SPACE.

WHEREAS, the city owns the entirety of Person Field; and,

WHEREAS, City Council has the right and authority to establish all uses of Person Field; and,

WHEREAS, the Coeur d'Alene City Council has heard testimony and received communications from citizens requesting that Person Field be used only for park land and open space; and,

WHEREAS, it is in the best interest of the citizens of the city of Coeur d'Alene for Person Field to remain park land and open space; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council that Person Field in the city of Coeur d'Alene shall hereby be declared park land and open space for the use and benefit of all citizens; and,

BE IT FURTHER RESOLVED, that no other use or development of Person Field shall occur without the recommendation of the Coeur d'Alene Parks and Recreation Commission and the approval of the Coeur d'Alene City Council.

DATED this 6th day of August, 2013

Sandi Bloem, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

Councilman McEvers Voted _____

Councilman Gookin Voted _____

Councilman Goodlander Voted _____

Councilman Kennedy Voted _____

Councilman Adams Voted _____

Councilman Edinger Voted _____

_____ was absent. Motion _____.