



Coeur d'Alene

CITY COUNCIL MEETING

September 16, 2008

MEMBERS OF THE CITY COUNCIL:

Sandi Bloem, Mayor

Councilmen Edinger, Goodlander, McEvers, Bruning, Hassell, Kennedy

CONSENT CALENDAR

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
SEPTEMBER 2, 2008**

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 Hall September 2, 2008 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem

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

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

INVOCATION was led by Pastor Phil Muthersbaugh from Life Source Community Church.

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

PUBLIC COMMENTS:

NEIGHBORHOOD TRAFFIC: Sharon Alexander, 3203 N. 9th St. requested a better definition for group homes and asked how the Council is going to handle off-street parking for pocket homes. She also noted that in her neighborhood between the apartment complex, construction trailers, and extra vehicles of residences it is almost impossible to have two-way traffic on her street. Additionally the "Do Not Enter" signs are not noticeable and should be corrected.

CONSENT CALENDAR: Motion by Hassell, seconded by McEvers to approve the Consent Calendar as presented but to move the bid award for the cemetery fence off the Consent Calendar.

1. Approval of minutes for August 19, 2008.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, September 8th at Noon and 4:00 p.m. respectively.
3. RESOLUTION 08-049: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVAL OF AMENDMENT NO. 1 TO THE KMPO COOPERATIVE SERVICES AGREEMENT FOR US-95 ACCESS STUDY; APPROVAL OF S-6-05 – ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR COEUR D' ALENE

PLACE, 16TH ADDITION; APPROVAL OF S-3-08 – ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR THE COTTAGES ON GOVERNMENT WAY; APPROVAL OF S-6-08 – FINAL PLAT APPROVAL, ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR PROVENCE 20; APPROVAL OF S-2-08 – FINAL PLAT AGREEMENT AND SUBDIVISION IMPROVEMENT AGREEMENT FOR PRINCETOWN AT WATERFORD; RATIFYING AMENDMENT NO. 1 TO THE AGREEMENT ADOPTED PER RESOLUTION NO. 07-061 WITH PANHANDLE AREA COUNCIL FOR THE SAFE SIDEWALKS TO SCHOOL PROJECT AND BID AWARD AND APPROVAL OF A CONTRACT WITH NORTHWEST FENCE FOR FOREST AND RIVERVIEW CEMETERY FENCE REPLACEMENT.

4. Approval of cemetery lot repurchase from Burton and Vivene Near.
5. Approval of cemetery lot transfer from Daryl and Ann Valenti to David and Zelda Nosler.
6. Setting of Public Hearings: V-08-2 - vacation of a portion of N-S alley in Block 10, Aresvik Addition for October 21, 2008, and: V-08-3 - vacation of right-of-way on the Northgate Condominium plat for October 7, 2008.
7. SS-17-05 0 Final Plat Approval for Glacier NS-Seltice.
8. Acceptance of utility easement from Glacier Partners.

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

BID AWARD FOR CEMETERY FENCING: Jon Ingalls, Deputy City Administrator, reported that the City had received four bids for fencing with Northwest Fence providing the lowest responsive bid. He noted that issues have arisen which are that the Cemetery Advisory Board would like to have cast iron fencing and two bidders have presented bids for tubular fencing from Ameristar. Both bids meet the bid specifications and in particular the Northwest Fence bid provided what is believed to be the best fencing for the Cemetery. He reported that funding for this project is coming out of the Perpetual Care Fund as approved by the Council in March of this year.

Councilman Goodlander noted that a bidder from Spokane suggested using a cast-iron fence manufactured in China. That bidder does not have a current public works contractor's license and therefore cannot be considered for bid award. She also noted that the low bidder's product has a 20-year guarantee. She believes that this product has the same profile as the cast-iron fencing as well as being a wise long-term decision for the Cemetery. Councilman Bruning also commented that he had looked at a sample of the fencing at Northwest Fence and, compared to cast-iron, he believes that the tubular steel fencing is superior in maintenance-free fencing. Councilman Hassell asked if this fencing will require a change in the funding of the Perpetual Care Fund. Mr. Tymesen responded that after reviewing the fund, the additional niche sales would cover this expenditure.

Motion by Edinger, seconded by Goodlander to award the cemetery fencing bid to

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN MCEVERS: Councilman McEvers reported that he had been talking with a reporter who asked him about his comment that urban renewal is a “bucket of money” and feels that maybe citizens do not feel that he supports urban renewal. He responded that although he has a few occasional concerns the bottom line is that the LCDC Board members do a good job and he supports the Board’s time and efforts.

COUNCILMAN HASSELL: Councilman Hassell commented that LCDC does not have free rein in that there are laws that regulate how the funds are used.

COUNCILMAN EDINGER: Councilman Edinger noted that this was the first day of school and asked citizens to remember to drive safely and watch for children going to and from school.

COUNCILMAN GOODLANDER: On September 13th the “Mudgy and Millie” bronzes will be introduced to the public. Additionally, on September 3rd Governor Otter will be here to proclaim that day as “Mudgy and Millie Day” in Idaho. She announced that the book is available through the City web site and the Library web site and if purchased prior to September 13th, the purchased book will be signed by the author and 100% of the proceeds of the book sale prior to September 13th will go to the Library Foundation.

COUNCILMAN HASSELL: Councilman Hassell announced that there will be a US-95 public access planning meeting on September 9th. Additionally, on September 11th there will be a Midtown Planning meeting at 6:00 p.m. in the School District's Mid-Town meeting room.

COUNCILMAN KENNEDY: Councilman Kennedy announced that on Monday, September 15th, at 5:30 p.m. the public is invited to attend the homelessness meeting. He noted that the location of this meeting has not yet been determined.

APPOINTMENTS - CDA TV COMMITTEE and CHILDCARE COMMISSION: Motion by Kennedy, seconded by Edinger to appoint Dr. Kathleen Wilcox and Dr. Jay Lee to the CDA TV Committee and reappoint Linda Falk and Doug Fagerness to the Childcare Commission. Motion carried.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel announced that applications for the City's HUD Community Block Grant for Minor Home Repair program are now available. More Education Corridor forums have been scheduled for September, the first on September 23rd at 12:00 noon in the Midtown School District meeting room and the second on September 25th at NIC in the Student Union Building at 7:00 a.m. Applications are now available on the City's web site for the Mayor's Awards in the Arts. The Awards banquet will be held on October 9th at 6:00 p.m. at Brix

Restaurant. The City is now accepting utility billing payments on line. City Council meetings can now be viewed on the City's web site. Applications for Police Officers, report takers and Wastewater operators are now available. Our City Police and Fire Depts. are at the area schools making banners and other items to help promote safety for children going to and from school. She noted that the penalty for excess speed in school zones is \$100.

COUNCIL BILL NO. 08-1014 - CODE CLARIFICATION ON PRIVATE

SWIMMING POOLS: City Planner, Dave Yadon, explained that staff is requesting clarification of whether to retain the requirements of a 6' fence, hours of operation, no amplified sound equipment and parking requirements currently in the City code and to remove the remaining swimming pool related codes that are in conflict with IRC regulations. Motion by Edinger, seconded by Bruning to retain the 6' fence requirement , the hours of operation for swimming lessons, the no amplified sound equipment and parking requirements of City Code Chapter 8.20 and to direct staff to prepare the appropriate ordinance amendments. Motion carried.

PRESCRIBED FIRE BURN - TUBBS HILL: Karen Haskew, Urban Forester, explained the benefits of a prescribed burn, gave the locations on Tubbs Hill that will have the burn, and the use of a mechanical treatment prior to the prescribed burn. Councilman Edinger noted that the Tubbs Hill Foundation has some funds to help with the cost of the mechanical treatment. Motion by Edinger, seconded by Hassell to authorize staff to proceed with the fall prescribed burn in the east and west areas of Tubbs Hill to achieve fire and vegetation management and authorize staff to look at the mechanical treatment prior to the burning. Motion carried.

**ORDINANCE NO. 3338
COUNCIL BILL NO. 08-1015**

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING PORTIONS OF UNDEVELOPED EASEMENTS IN RIVERSTONE WEST SUBDIVISION, RECORDED IN BOOK J OF PLATS, PAGES 339/A/B/, AND, RIVERSTONE WEST 1ST ADDITION RECORDED IN BOOK J OF PLATS, PAGES 488/A, RECORDS OF KOOTENAI COUNTY, 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 by Hassell, seconded by Bruning to pass the first reading of Council Bill No. 08-1015.

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

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 08-1015 by its having had one reading by title only.

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

PUBLIC HEARING - APPEAL OF THE DENIAL OF TREE REMOVAL ON PUBLIC RIGHT-OF-WAY AT 103 W. IDAHO AVENUE: Mayor Bloem read the rules of order for this public hearing. No conflict of interest was declared by the Council. Karen Haskew, Urban Forester, gave the staff report.

Mrs. Haskew reported that the appellant, M. Colleen Allison, at 103 W. Idaho Avenue had requested that she be allowed to remove a corkscrew willow tree because of a root that is starting to lift the sidewalk. The Urban Forestry Committee reviewed her request with the following recommendations: Two members agreed that this problem could/should be solved at this point in time with removal and replacement of the tree; three members did not feel that the sidewalk conflict was sufficient reason to remove the tree at this time. Two of the five members then suggested that Ms. Allison plant a replacement tree now and apply to remove the curly willow once the replacement tree was established. The Committee members were not able to reach a consensus decision with their differing views as previously noted. Mrs. Haskew reported that the average score of the five inspections was -27.4 which is insufficient for a removal permit.

Mrs. Allison submitted a letter of appeal stating that she did not want to pre-plant a replacement because she wanted the new tree to be in the same spot as the willow due to traffic visibility at the alley. Following Mrs. Allison's appeal letter, one of the Committee members modified their original recommendation to retain the tree while establishing a new tree.

In summary, Mrs. Haskew noted that the existing willow tree is healthy and in good condition and is providing some value to the street and neighborhood; however, it is still a young tree and is already causing sidewalk problems. She noted that sidewalk problems can often be solved by some root pruning and modification of the sidewalk, but this particular species does have a shallow root system that could continue to cause problems.

PUBLIC COMMENTS: Mrs. Allison, homeowner of 103 W. Idaho Ave., explained that when she built her house approximately 5 years ago she planted the willow tree and shortly thereafter the tree began lifting the sidewalk which now poses a tripping hazard for anyone using the sidewalk. She is willing to replace the tree if she is permitted to remove the existing willow tree.

Motion by Kennedy, seconded by Edinger to reverse the decision to deny the removal of the corkscrew willow tree and require that a replacement tree be planted at this site.

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

RECESS: Motion by Edinger, seconded by Kennedy to have a five-minute recess. Motion carried. The meeting recess at 7:25 p.m. The meeting reconvened at 7:33 p.m.

PUBLIC HEARING - ANNUAL APPROPRIATIONS FOR FY 2008-2009: Mayor Bloem read the rules of order for this public hearing. Troy Tymesen, Finance Director, gave the staff report.

Mr. Tymesen reviewed the process that brings the proposed budget before the Council tonight. Two major points to this budget tonight are to ask for public input and to ask for \$16,461,768 from property taxes. He highlighted the priorities set by the Council this spring and which priorities are included in the proposed budget. He noted that this financial plan includes use of impact fees to construct the Landings Park, foregone taxes for the Sidewalk Improvement Program (ADA), construction of a brine solution de-icer facility, increased part-time staffing at the Library, Skate Park improvements, an advanced wastewater demonstration project, increased staffing in Water and Wastewater, and increased overlay funding which is now at \$650,000. The total budget is asked to be set at \$77,234,108 with property taxes funding \$16,461,768 of the total budget. He reported that new growth valuation this year is at \$120,525,135. He noted that the budget includes the use of foregone taxes for the supplemental foregone levy to correct the error by Kootenai County and the Sidewalk Improvement Program (ADA).

Councilman Edinger asked Mr. Tymesen to explain the use of Parks Capital Improvement Funds for constructing the Landings Park instead of hiring more Police and Fire. Mr. Tymesen responded that the Parks Capital Improvement Fund is a dedicated fund in which State Law requires these funds to only be used to construct new parks. He noted that these funds cannot be used for parks staff or even maintenance of parks. Councilman Hassell explained that Impact Fees can only be used for capital improvements and not for additional personnel.

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

ORDINANCE NO. 3339
COUNCIL BILL NO. 08-1016

AN ORDINANCE ENTITLED "THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008" APPROPRIATING THE SUM OF \$77,234,108 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF COEUR D'ALENE FOR SAID YEAR; LEVYING A SUFFICIENT TAX UPON THE TAXABLE PROPERTY WITHIN SAID CITY FOR GENERAL REVENUE PURPOSES FOR WHICH SUCH APPROPRIATION IS MADE; LEVYING SPECIAL TAXES UPON THE TAXABLE PROPERTY WITH SAID CITY FOR SPECIAL REVENUE PURPOSES WITHIN THE LIMITS OF SAID CITY OF COEUR D'ALENE, IDAHO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Hassell, seconded by Edinger to pass the first reading of Council Bill No. 08-1016.

COUNCIL DISCUSSION: Councilman Kennedy noted that the cost of constructing parks increases 10-12% a year yet the capital improvement funds only increase 2% per year, so it is more fiscally responsible to construct the Landings Park this year than to wait. He also noted that several citizens that had discussed the proposed budget with him did not realize that the City does not have a bed tax. He urged residents to call upon their legislators to lift the population limit on cities that can charge a bed tax. Councilman Edinger thanked Finance Director Troy Tymesen, Deputy Finance Director Vonnie Jensen and the Department Heads for putting this budget together and presenting a balanced budget.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 08-1016 by its having had one reading by title only.

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

EXECUTIVE SESSION: Motion by Goodlander, seconded by Hassell to enter into Executive Session as provided by I.C. 67-2345 §F: To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel as executive session does not satisfy this requirement; and § J: To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement.

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

The session began at 8:10 p.m. Members present were the Mayor, City Council, Deputy City Administrator and City Attorney.

Matters discussed were those of property acquisition. No action was taken and the Council returned to their regular meeting at 8:45 p.m.

CLAIMS: Motion by Edinger, seconded by Goodlander to take action as discussed in Executive Session and as recommended by the City Attorney in the Griesbach, Hill and Halpin claims. Motion carried.

ADJOURNMENT: Motion by Hassell, seconded by Kennedy that, there being no further business for the Council, this meeting be adjourned. Motion carried.

The meeting recessed at 8:45 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk

**CITY COUNCIL
STAFF REPORT**

DATE: September 16, 2008
FROM: Christopher H. Bates, Engineering Project Manager 
SUBJECT: **Acceptance of Easement from Riverstone West, LLC**

DECISION POINT

The City Council must accept all easements on behalf of the City.

FINANCIAL ANALYSIS

There is no cost to the City.

PERFORMANCE ANALYSIS

Riverstone West, LLC is giving the City the easement for the bike/ped trail and landscaping in the Riverstone Park that encroaches into the adjoining lot that is not owned by the City. The trail and landscaping, which were built by the developer were inadvertently constructed over the lot boundary at the time of the park site development. The easement will run with heirs and assigns of the land until such time that the stated use ceases. Should that occur, the easement will terminate.

RECOMMENDATION

Accept the easement on behalf of the City and direct the City Clerk to proceed with the recordation of the document.

Filed for record at the Request of:

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

Attention: Gordon Dobler

GRANT OF EASEMENT

RIVERSTONE WEST, LLC, a Washington limited liability company, (“Grantor”), whose address is 104 South Division, Spokane, Washington 99202 for valuable consideration, receipt of which is hereby acknowledged, hereby grants to the City of Coeur d’Alene, an Idaho municipal corporation, whose address is 710 E. Mullan Avenue, Coeur d’Alene, Idaho 83814, a perpetual nonexclusive easement over and across that certain real property (the “Burdened Property”) located in Kootenai County, Idaho, more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference and shown on Exhibit “B” attached hereto and incorporated herein by this reference such easement to be for the use and benefit of that certain adjacent real property (the “Benefited Property”) also located in Kootenai County, Idaho, more particularly described on Exhibit “C” attached hereto and incorporated herein by this reference.

Such easement shall be for the use of the Burdened Property as part of the Riverstone Park. The easement, rights, and privileges granted under this instrument shall cease and terminate if the use of the land as a portion of Riverstone Park is no longer required or used as a park, or the park is permanently vacated or abandoned by grantee.

[Signature on next page]

EXHIBIT 'A'

A TRACT OF LAND LOCATED IN TRACT "B" OF RIVERSTONE WEST FIRST ADDITION, RECORDED IN BOOK "J" OF PLATS, PAGE 488, RECORDS OF KOOTENAI COUNTY, IDAHO, SITUATED IN THE NORTHEAST QUARTER SECTION 10, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, IN THE CITY OF COEUR D' ALENE, COUNTY OF KOOTENAI, STATE OF IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID TRACT "B"; THENCE

1. NORTH 33°13'48" EAST 362.20 FEET ALONG THE EASTERLY LINE OF SAID TRACT "B" TO THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID EASTERLY LINE OF TRACT "B"

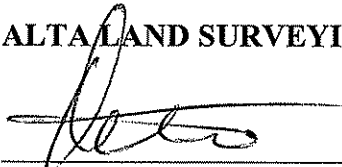
2. NORTH 33°13'48" EAST 49.24 FEET TO AN ANGLE POINT ON SAID EASTERLY LINE; THENCE

3. NORTH 16°15'42" EAST 26.00 FEET ALONG SAID EASTERLY LINE ; THENCE LEAVING SAID EASTERLY LINE

4. SOUTH 27°23'01" WEST 74.50 FEET TO THE **TRUE POINT OF BEGINNING.**

PREPARED BY:

ALTA LAND SURVEYING, INC.



MIGUEL A. MARTINEZ
P.L.S. 8076
EXP. 07/31/09

07/24/08
DATE

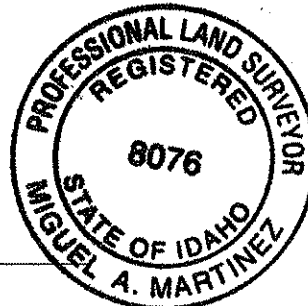
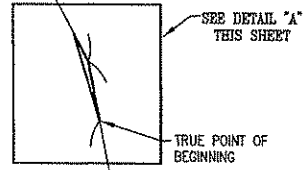
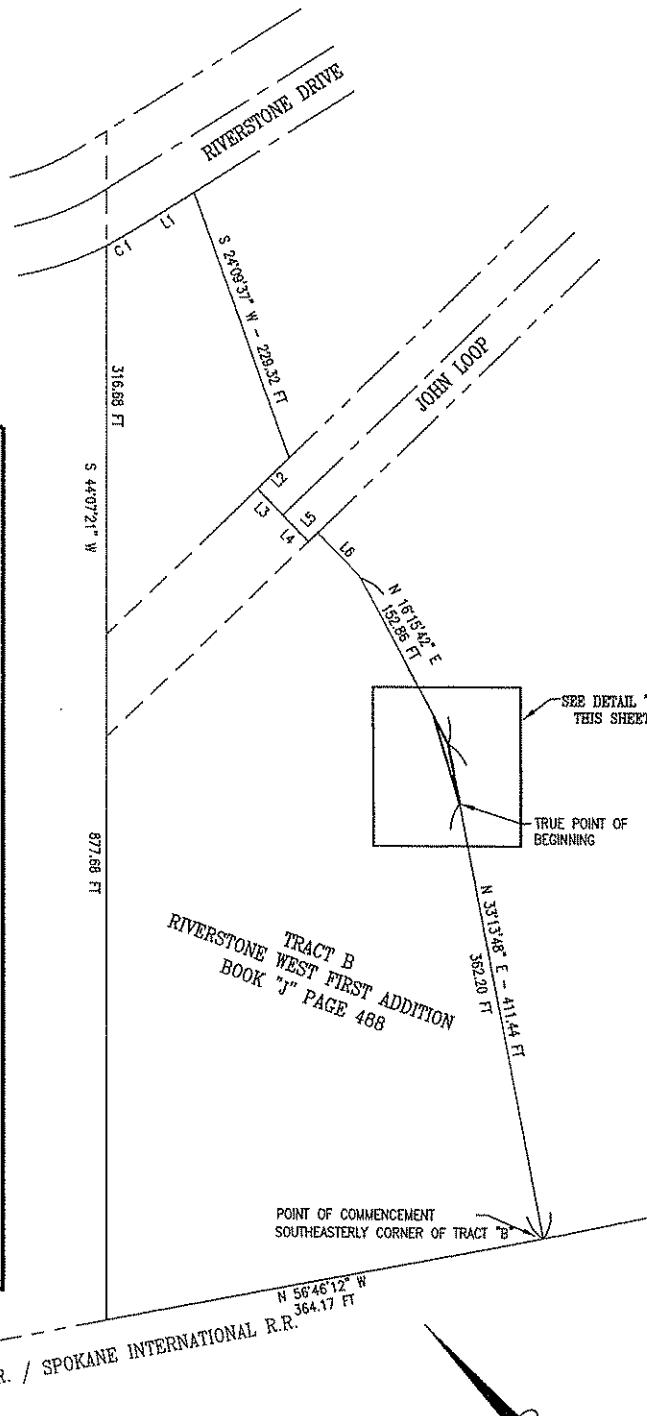
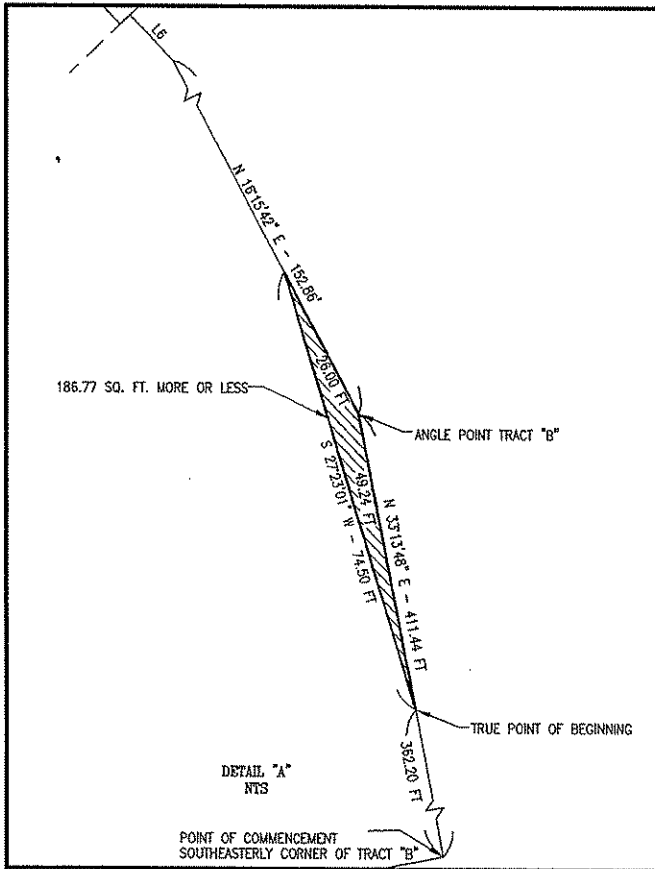


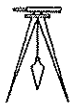
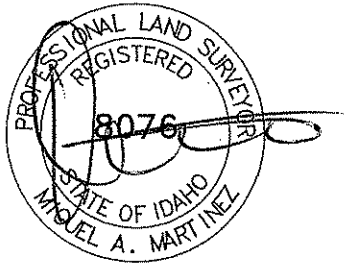
EXHIBIT "B"

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 78°09'29" E	60.79
L2	N 90°00'00" E	36.23
L3	S 00°00'00" W	30.00
L4	S 00°00'00" W	30.00
L5	N 90°00'00" W	10.54
L6	S 00°03'51" W	51.38

CURVE TABLE					
NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	05°00'09"	260.00'	22.70'	S 75°38'54" E	22.69'



TRACT B
RIVERSTONE WEST FIRST ADDITION
BOOK "J" PAGE 468



Alta Land Surveying
9517 GROSSMONT SUMMIT DRIVE
LA MESA, CA 91941
PHONE / FAX: (619) 579-2582
miguel@altalandsurveying.com cell: (619) 823-2582

EXHIBIT "B"
NE ¼ SECTION 10,
T. 50 N., R 4 W., B.M.
KOOTENAI COUNTY
IDAHO

DRAWN BY: RDS	CHECKED BY: MAM
DESIGNED BY: MAM	
DATE: 07/22/08	
SCALE: 1" = 150'	
PROJECT NO: 08-0005	
SHEET NO: 1	Of 1

Exhibit "C"

Lot 12, Block 1, RIVERSTONE WEST FIRST ADDITION, according to the plat thereof recorded in Book "J" of Plats, at Page 488 *et seq.*, as Instrument No. 2100019000, Records of Kootenai County, State of Idaho.

DATE: SEPTEMBER 10, 2008
TO: MAYOR AND CITY COUNCIL
FROM: PLANNING DEPARTMENT
RE: SETTING OF PUBLIC HEARING DATE: OCTOBER 21, 2008

Mayor Bloem,

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

<u>ITEM NO.</u>	<u>REQUEST</u>	<u>COMMISSION ACTION</u>	<u>COMMENT</u>
A-5-08	Proposed zoning in conjunction with annexation from County Rural Residential to R-3 (Residential at 3 units/acre) Applicant: Steven B. Meyer Location: 2735 Fernan Hill Road	Recommended Approval	Quasi-Judicial

In order to satisfy the mandatory 15-day notice requirement, the next recommended hearing date will be **October 21, 2008.**

JS:ss

MEMORANDUM

DATE: September 16, 2008
TO: Mayor and City Council
FROM: Troy Tymesen, Finance Director
RE: Setting of Public Hearing - Fees

City staff has reviewed the existing fees that are charged by the City and have prepared their proposed changes to certain fees.

It is requested that the City Council set a public hearing for **October 21, 2008** to review the proposed fee changes.

ANNOUNCEMENTS

Memo to Council

DATE: September 9, 2008

RE: Appointments to Boards/Commissions/Committees

The following appointment and re-appointments are presented for your consideration for the September 16th Council meeting:

JIM VAN SKY (Reappointment)

CDA TV COMMITTEE

BRUCE HATHAWAY (Reappointment)

CDA TV COMMITTEE

KIM WILLIAMS (Appontment)

CHILDCARE COMMISSION

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

Sincerely,

Amy Ferguson
Executive Assistant

cc: Susan Weathers, Municipal Services Director/CDA TV Liaison
Kathy Lewis, Childcare Commission Liaison

Memo to Council

DATE: September 4, 2008

RE: Appointments to Boards/Commissions/Committees

The following re-appointment is presented for your consideration for the September 16th Council Meeting:

FAY SWENEY

LIBRARY BOARD

Sincerely,

Amy Ferguson
Executive Assistant

cc: Susan Weathers, Municipal Services Director
Bette Ammon, Library Board Liaison

OTHER COMMITTEE MINUTES
(Requiring Council Action)

September 8, 2008
PUBLIC WORKS COMMITTEE
MINUTES

COMMITTEE MEMBERS PRESENT

Council Member Mike Kennedy
Council Member Woody McEvers
Council Member Al Hassell

GUESTS PRESENT

Kent Phelps, Item #1
Susan P. Weeks, Item #1
Bob McAdams
Jane & Russ Merriman
David Dutton

STAFF PRESENT

Jon Ingalls, Deputy City Administrator
Gordon Dobler, City Engineer
Tim Martin, Street Supt.
Renata McLeod, Project Coordinator
Victoria Bruno, Project Coordinator
Pam MacDonald, Human Resource Dir.
Jim Markley, Water Supt.
Judy House, Risk Manager
Karen Haskew, Urban Forester
Warren Wilson, Asst. City Attorney
Troy Tymesen, Finance Director
Robert Royce, Streets Dept.
Amy Ferguson, Executive Assistant

Item 1 Request for Water Service Outside City Limits on Johnson Road

Jim Markley, Water Superintendent, presented a request from Kent and Tracy Phelps, through their attorney, Susan Weeks, for water service outside the City Limits, or if that would not be possible, the relinquishment of the city's interest in the well jointly held with the owners. The property is located at 1894 Johnson Road. Mr. Markley noted that the Phelps came before the Public Works Committee in August of 2007 and requested water service. At that time their request was denied. Mr. Markley said that in looking at the water policy, he doesn't see any change in circumstances that would necessitate a reversal of the decision of council. In regard to the relinquishment of water rights, Mr. Markley noted that staff has no objection since the water rights are very small and not significant enough to impact the water system.

Mr. Markley explained that the original request was for the parent parcel since the owners had trouble with their well. The owners asked for water hookup for the parent parcel and it was granted. In granting the water service for the parent parcel, the owners gave the city the water rights to their well. Mr. Markley said that if the city gives the water rights back to the owner, he would like to make it clear a failure of the well would not qualify for the city's "good neighbor" policy.

Councilman Kennedy asked about the effect of granting water rights in light of the current water adjudication. Mr. Markley confirmed that it would have no impact on the city's water adjudication rights.

Susan Weeks, the attorney representing the Phelps, said that she was hired by the Phelps to do some title and history research. She stated that the parcel has always been two separate parcels of property and that only the tax assessments were consolidated. The client wishes to build on the second parcel. Ms. Weeks found during her research that the city first granted the "good neighbor" policy to the individual who owned the property. Ms. Weeks has two concerns in that there is a possibility that since the well has been inactive for such a long period of time, there

may be a “laches” argument that it may not be able to be reactivated. The other issue is if the well fails, she feels that the Phelps should qualify for a “good neighbor” exception.

Ms. Weeks stated that under the history of this parcel, the city could look at modifying the exceptions and allow for the hookup. Councilman Hassell stated that one of the main reasons the water policy was instituted in the first place is that if the city’s water system in that area fails, they would have to do some major replacements. The city cannot assess someone on our system but out of the city limits. As a result, it would be an unfair tax burden to the residents of the city. Ms. Weeks stated that she represents some municipalities and you can address that concern through a contract wherein an individual would be subject to an LID assessment. Her client would be willing to sign such a contract and they would make it appurtenant to and be recorded to run with the land.

Mr. Markley confirmed that the property is not adjacent to the city limits for annexation purposes. Ms. Weeks confirmed that her client would be willing to sign an annexation waiver.

Mr. Phelps said that the property has always been split and wasn’t just recently done. Mr. Markley stated that there was one structure on the property and that is where the hookup was given. The rest of the property is vacant. Ms. Weeks stated that she believes that when the original owner, Ulvan, gave away his water rights, it was his understanding that he would be getting water service for both lots. Mr. Phelps confirmed that he wants city water hookups and is not really interested in getting the water rights back.

Warren Wilson, Assistant City Attorney, stated that the city’s policy dealing with failed water services provides that the owner of a parcel with an existing residence will be allowed one hookup if they can prove that the well is failing. If there were two pieces of property all along, only one of them met the policy because there was a residence on it. The policy was aimed at providing one hookup for each qualifying lot at the time the property qualified to receive water service. Mr. Wilson explained that the city is attempting to help people out without putting the water system in jeopardy. He further stated that the city doesn’t have a significant amount of extra capacity in that area. The policy provides for one hookup per existing residence and there is not an existing residence. The applicant wants this service so they can build. The water policy was not intended for further development.

MOTION by McEvers, seconded by Kennedy, to bring this matter forward to the full council without a recommendation.

DISCUSSION: Councilman Kennedy said that he thinks it is the fairest thing to do and that the council may need to take a second look at the policy. He can see where this could be a creeping problem.

Councilman Hassell said that he remembers the initial discussion regarding creating the “good neighbor” policy. There were several councilmen at that time who were adamantly opposed to any service outside the city. He feels that it needs to go back to the council for review. He further asked that maps, minutes of original discussions, and previous council minutes be provided to council for their review.

VOTE: Motion carried.

Item 2 Sidewalk Policy – Updates and Clarifications

Jon Ingalls, Deputy City Administrator, presented a powerpoint presentation on the sidewalk policy, reimbursement alternatives, and implementation of the priority plan. He stated that with the adoption of the 2008-09 Budget, council created a new ADA hazard abatement account. As part of that process, staff was asked to draft a sidewalk policy statement, provide recommendations for incentive and reimbursement, and draft a 5 year priority plan.

Mr. Ingalls reviewed the history of the different alternatives that were reviewed and discussed by council. The ADA Hazard Abatement Account was created with work to be performed by city employees. The account was funded with \$200,000 from foregone taxes. The city will systematically work their way around town fixing sidewalks.

As part of the council's direction, staff was asked to put together a prioritization plan and to look at the city's ordinances to make sure they are in sync with where the city is going. Council also asked staff to look reimbursements and incentives. The incentive plan would create for property owners an opportunity to repair a sidewalk that is not in the 5-year priority plan. The property owner would be able to apply to the city and get at least a partial reimbursement.

Mr. Ingalls discussed reimbursements for the approximately 30 people who complied with the original sidewalk repair letters. One option would be partial reimbursement similar to the rates and limits set out in the incentive program. Council could also consider a full dollar for dollar reimbursement up to the scope that was directed in the letters.

Councilman McEvers asked about the \$20.00/lineal foot, \$500.00 year proposed incentive. Mr. Ingalls confirmed that that figure was based on analysis and staff believes that it is a pretty realistic figure of what it might cost for the majority of their directed scope of sidewalk repairs.

Councilman McEvers asked if the incentive plan includes trees. Mr. Ingalls said that the \$500.00 per year figure would encompass an encroachment permit, concrete work, tree work, or whatever it takes. It probably won't come close to paying for the entire bill but it would be an incentive. .

Councilman McEvers asked about continuous enforcement and if notices would still go out. Mr. Ingalls said that primarily it would be a complaint driven process. He further confirmed that areas that are included in a LID or BID would not be included in the policy.

Mr. Ingalls confirmed that the preponderance of the plan meshes with ADA policies in regard to civic areas first, then commercial, then residential, but other things will also be taken into consideration. He further explained the five year priority plan which will be updated and brought forward to council on a yearly basis. The plan is a balance between looking at what the ADA says and also recognizing that we have 350 pedestrian ramps out there. The priority plan takes advantage of that tremendous amount of work and starts connecting it. It makes sense to go back and make meaningful, accessible routes.

Mr. Ingalls explained that Street Superintendent Tim Martin worked with a member of the Ped/Bike Committee (Aman Sterling), and a few residents of the city, including Don Waddell, and Russ and Jane Merriman. It was helpful to bring in citizens with a vested interest in these routes. They felt that in some cases you could do only one side of a street and be able to free up resources to go and do more in terms of accessibility.

Mr. Ingalls confirmed that the sidewalk program would not affect the requirement to bring things up to standard as part of the building permit process. A permit over \$15,000 triggers the requirement.

Councilman Kennedy asked about those citizens who may have repaired the sidewalks on their entire property when they were only instructed to do a few panels. Mr. Ingalls stated that he felt the city claims adjudicator could sort through those types of things and that the original letters that were mailed were very specific as to what area of the sidewalk needed repair.

Mr. Ingalls confirmed that sidewalk repairs would have to be approved to qualify for the incentive program. He further stated that the ADA standards are on the city's web site.

Mr. Ingalls stated that the city will just be doing panel by panel "fixes," referring to the database that has already been prepared – they won't be laying out whole new sidewalks. Fixing the problems will take some effort, working with engineering, streets, urban forestry, etc. He would expect as a team to not have a situation where a large number of trees would have to be removed.

Councilman McEvers said that full reimbursement to those who have made their sidewalk repairs pursuant to the letters seems more fair. Councilman Kennedy also stated that he feels that the city should reimburse fully the directed scope of work. He feels like the 30 or so people who complied did the right thing.

MOTION: Motion by Kennedy, seconded by McEvers, to recommend Council approval of Resolution 08-___ approving the updated Sidewalk Policy Statement, with the revised language on the Incentive Program; AND authorizing staff to implement the 5-Year Priority Plan and fully reimburse for the directed scope work those property owners who complied with the original sidewalk repair letters sent by the City.

Motion carried.

The meeting adjourned at 5:07 p.m.

Respectfully submitted,

Amy C. Ferguson
Public Works Committee Liaison

PUBLIC WORKS COMMITTEE

STAFF REPORT

DATE: 8 September, 2008
FROM: Jim Markley, Water Superintendent
SUBJECT: **Water service request outside City limits @ 1894 Johnson Road**

DECISION POINT:

Would the Committee support returning the water rights to this property under the provision that doing so would in no way entitle them to consideration for City water service outside City limits?

HISTORY:

The owners of this property came in last year and requested that the City amend their water service outside City limits policy and provide them a hook up to the City water system (a copy of that staff report is attached). The Committee denied the request. A revised request has been received and is attached to this report. In the request they are asking for the City to reconsider revising the policy or to relinquish our interest in the well jointly held by the owners of 1812 and 1894 Johnson Road.

POLICY BACKGROUND:

A review of the policy issues is contained in the August 27, 2007 staff report. There is no change from the conditions at that time and as a result Staff would recommend that the Committee uphold their prior action. The second part of the request is that the City relinquish whatever water rights we hold on the well. The water rights in the well are so small as to be of little use to the City system and Staff has no objection to returning them to the owners of 1894 Johnson Road provided that it is clearly understood that this action does not entitle them to any future City hook ups should their well fail at some point in the future.

IMPACTS:

Relinquishing any interest that we might have to a residential sized well will not have any impact on the City provided it is clearly understood that it does not entitle the grantee to future City water service should the well fail.

DECISION POINT/RECOMMENDATION:

Staff recommends denying the request for a new service outside City limits. We have no objection to relinquishing any rights the City might have for the existing domestic well provided it is clear that relinquishing such rights will not entitle the owner to future City water service should the well fail in the future.

JAMES, VERNON & WEEKS, P.A.

ATTORNEYS AT LAW

KERWIN C. BENNETT*
MURIEL M. BURKE*
SCOTT A. GINGRAS
LEANDER L. JAMES*
STEPHEN J. NEMEC*†
MICHAEL J. PAUKERT*
CRAIG K. VERNON*
SUSAN P. WEEKS

1626 LINCOLN WAY
COEUR D'ALENE, ID 83814
TELEPHONE: (208) 667-0683
FAX (208) 664-1684

*ATTORNEYS LICENSED IN IDAHO & WASHINGTON
†REGISTERED PATENT ATTORNEY

August 15, 2008

Via Hand Delivery

Mr. Jim Markley
Superintendent Water Department
3820 Ramsey Road
Coeur d'Alene, ID 83815

RE: Kent and Tracy Phelps
1894 N. Johnson Road, Coeur d'Alene, ID 83814 (Outside City Limits)

Dear Mr. Markley:

Thank you for discussing the above matter with me earlier this week. This letter will confirm that we have requested to be on the August 25, 2008 agenda with the Public Works Committee.

It is my understanding that the City provided the above address and the adjoining property at 1812 N. Johnson Road with a water service in the past under the condition that they sign a waiver to annexation and assign their water rights to the City. The properties were sharing a well that was failing.

My clients are the subsequent purchasers of the property at 1894 N. Johnson Road. Their piece of property was actually two separate lots, consolidated for billing purposes with the county tax assessor. When they purchased, their seller indicated that the City had agreed to provide water to both lots. When my clients applied to the City for water last year, they were informed that they did not fall within the guidelines of the ordinance for service outside city limits and the council refused their request.

Since then, I have done further research. I have discovered that the City did require the adjoining property at 1812 N. Johnson Road (Drs. Robin Shaw and Mary Jo Shaw) to quitclaim deed their water rights to the City. (A copy of the deed is attached.) The previous owner of 1894 N. Johnson Road informs me that he was told he also would have to deed over his water rights in the same well, but not until the second lot had been provided a service. I do not find a

August 15, 2008
Page 2

water rights quitclaim deed of record from him to the City. I believe there is a waiver to annexation for both of my clients' lots.

I have informed my clients that the deed to the City by the Shaws of their water rights did not eliminate Mr. and Mrs. Phelps' water rights in the joint well. The previous owner of the Phelps' property was under the impression that he had agreed not to use the well if the City gave him hook ups to his lots. He indicated the reason that he had not yet decided over his water rights in the well was because he had not yet obtained the second water hook up.

I recognize that citizens can be mistaken in their previous dealings with the City and we have no personal knowledge of what occurred with the previous owner. However, my clients desire to move forward with their project. If the City is not willing to give them a hook up, they need to know so that they can continue to use the well without challenge by the City. Therefore, I am once again requesting on behalf of my client that this matter be reviewed again to determine if the City would consider giving them a water hook-up under the facts of this case.

Thank you for your time and consideration in this matter.

Very truly yours,



Susan P. Weeks

Enclosure

1934296

STATE OF IDAHO
COUNTY OF KOOTENAI
AT THE REQUEST OF
CITY OF COEUR D'ALENE

2005 MAR 10 A 10:21

DANIEL J. ENGLISH *PR*

WATER RIGHTS QUITCLAIM DEED

DEPUTY
FEES N/C
2 pgs

KNOW ALL MEN BY THESE PRESENTS, that Robin Shaw and Mary Jo Shaw, Husband and Wife, hereinafter referred to as Grantor, for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby quitclaim, grant and convey unto the City of Coeur d'Alene, Kootenai County, Idaho, a Municipal Corporation existing pursuant to the laws of the state of Idaho, with its principal place of business at 710 Mullan Avenue, Coeur d'Alene, Idaho, hereinafter referred to as Grantee, any and all water rights attached to the following described property situated in Kootenai County, Idaho, to wit:

*1812 N. Johnson Road
Township 50 N, Range 3W, Section 7
Tax #14157, Tx # 15808 (IN SW-SE)
Kootenai County, Idaho*

TO HAVE AND TO HOLD unto the GRANTEE, its successors and assigns forever.

IN WITNESS WHEREOF, the GRANTORS has set its hand and seal this 23rd day of February, 2005.

GRANTEE: CITY OF COEUR D'ALENE
KOOTENAI COUNTY, IDAHO

GRANTOR:

By: *Sandi Bloem*
Sandi Bloem, Mayor

By: *Robin Shaw*
Robin Shaw, Husband

ATTEST:

Susan K. Weathers
Susan K. Weathers, City Clerk

By: *Mary Jo Shaw*
Mary Jo Shaw, Wife

1934295

STATE OF IDAHO
COUNTY OF KOOTENAI
AT THE REQUEST OF
City of Coeur d'Alene

2005 MAR 10 A 10:20

DANIEL J. ENGLISH *PR*

DEPUTY

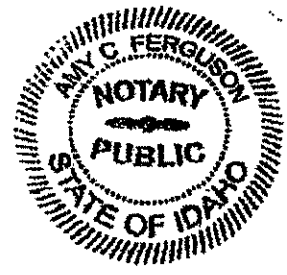
FEEES N/C *2pgs*

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 10th day of March, 2005, before me, a Notary Public, personally appeared Sandi Bloem and Susan K. Weathers, 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.

[Signature]
Notary Public for Idaho
Residing at Coeur d'Alene, Post Falls
My Commission expires: 12-6-09

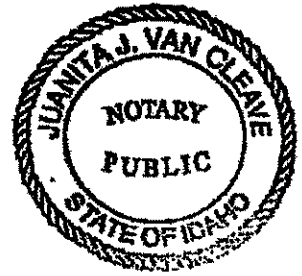


STATE OF IDAHO)
) ss.
County of Kootenai)

On this 23rd day of February, 2005, before me, a Notary Public, personally appeared Robin Shaw and Mary Jo Shaw, husband and wife, known to me to be the persons subscribed herein who executed the foregoing instrument and acknowledged that they voluntarily executed the same.

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

[Signature]
Notary Public for Idaho
Residing at Coeur d'Alene
My Commission expires: 11/27/06



1934295

AGREEMENT WAIVING OPPOSITION TO ANNEXATION

THIS AGREEMENT, made and dated this 23rd day of February, 2005, by and between the City of Coeur d'Alene, Kootenai County, Idaho, a municipal corporation organized and existing under the laws of the State of Idaho, hereinafter referred to as the "City," and Robin Shaw and Mary Jo Shaw, husband and wife, hereinafter referred to as the "Owners,"

WITNESSETH: That in consideration of the City permitting connection for water service to the property described as follows, to wit:

**1812 N. Johnson Road
Township 50 N, Range 3W, Section 7
Tax #14157, Tx # 15808 (IN SW-SE)
Kootenai County, Idaho**

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

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

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

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

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

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

CITY OF COEUR D'ALENE,

Sandi Bloem
Sandi Bloem, Mayor

OWNERS:

Robin Shaw
Robin Shaw, Husband

ATTEST:

Susan K. Weathers
Susan K. Weathers, City Clerk


Mary Jo Shaw
Mary Jo Shaw, Wife

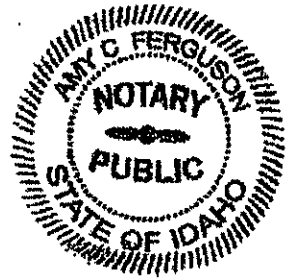
1934296

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 7th day of March, 2005, before me, a Notary Public, personally appeared Sandi Bloom and Susan K. Weathers, 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 Coeur d'Alene For + Falls
My Commission expires: 12-10-09

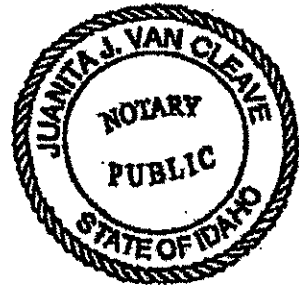


STATE OF IDAHO)
) ss.
County of Kootenai)

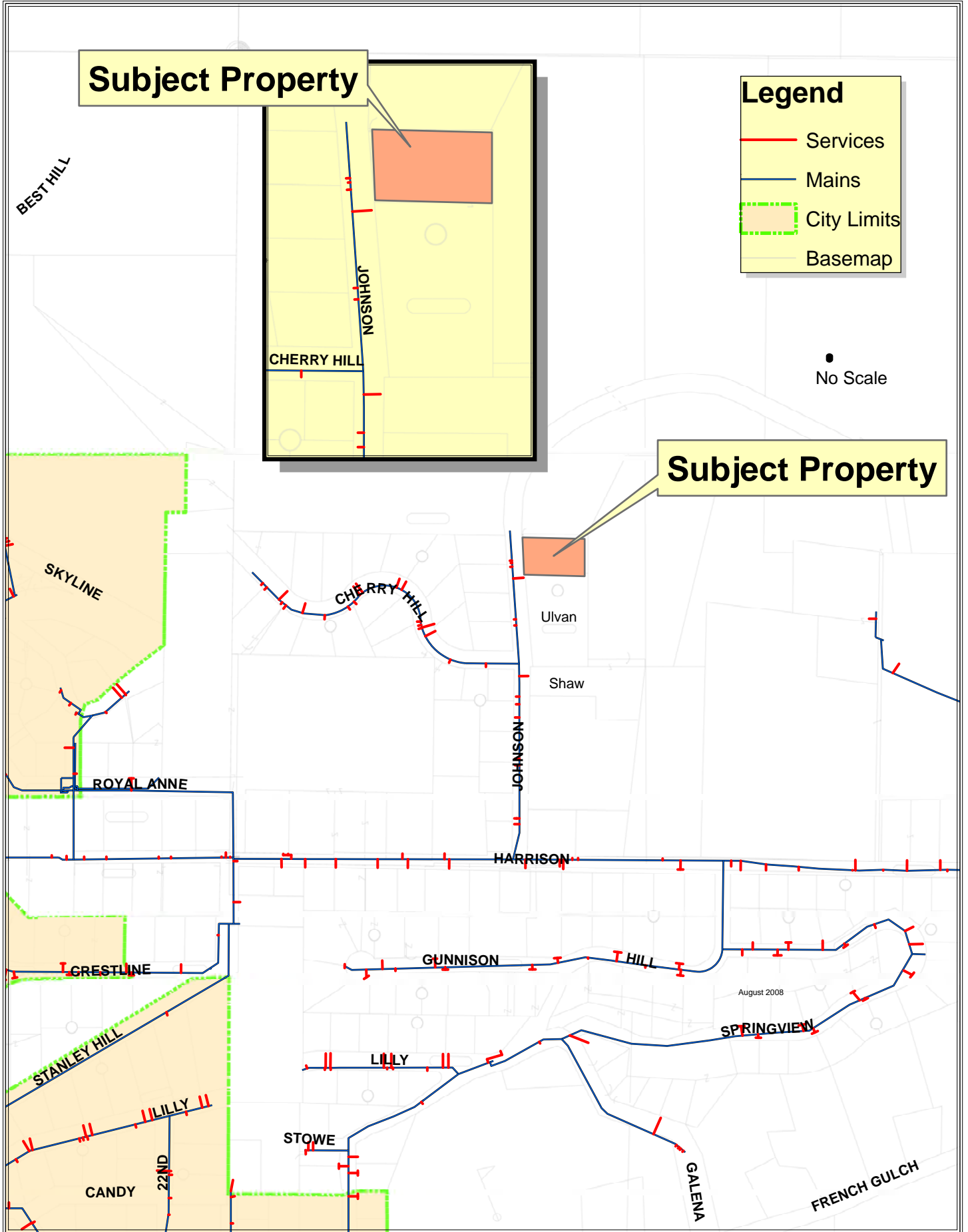
On this 23rd day of February, 2005, before me, a Notary Public, personally appeared Robin Shaw and Mary Jo Shaw, husband and wife, known to me to be the persons subscribed herein who executed the foregoing instrument and acknowledged that they voluntarily executed the same.

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


Notary Public for Idaho
Residing at Coeur d'Alene
My Commission expires: 11/27/08



Phelps Service Request



POLICY: WATER SERVICE OUTSIDE CITY LIMITS

Goals:

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

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

Policy:

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

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

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

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

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

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

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

Prior Actions
Ulvan (original owner)

RESOLUTION NO. 05-003

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 APPROVAL OF AN AMENDMENT TO THE CITY'S WATER POLICY REGARDING ALLOWING WATER HOOK-UPS OUTSIDE OF THE CITY LIMITS FOR EXISTING RESIDENCES WHO'S CURRENT WATER SERVICE IS FAILING AND WHO CANNOT PRESENTLY ANNEX INTO THE CITY DESIGNATING CLAIMS/CODE ENFORCEMENT/RISK COORDINATOR TO PERFORM THE FUNCTION OF REMOVING ABANDONED/JUNK VEHICLES;.

WHEREAS, it has been recommended that the City of Coeur d'Alene enter into the contract(s), agreement(s) or other actions listed below pursuant to the terms and conditions set forth in the contract(s), agreement(s) and other action(s) documents attached hereto as Exhibits "1 through 2" and by reference made a part hereof as summarized as follows:

- 1) Approval of an amendment to the City's Water Policy regarding allowing water hook-ups outside of the city limits for existing residences who's current water service is failing and who cannot presently annex into the City;
- 2) Designating Claims/Code Enforcement/Risk Coordinator to perform the function of removing abandoned/junk vehicles;

AND;

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

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into agreements or other actions for the subject matter, as set forth in substantially the form attached hereto as Exhibits "1 through 2" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreements or other actions so long as the substantive provisions of the agreements or other actions remain intact.

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

DATED this 18th day of January, 2005.


Sandi Bloem, Mayor

ATTEST

Susan K. Weathers
Susan K. Weathers, City Clerk

Motion by Reid, Seconded by Wolfinger, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER HASSELL	Voted <u>Aye</u>
COUNCIL MEMBER GOODLANDER	Voted <u>Aye</u>
COUNCIL MEMBER MCEVERS	Voted <u>Aye</u>
COUNCIL MEMBER REID	Voted <u>Aye</u>
COUNCIL MEMBER WOLFINGER	Voted <u>Aye</u>
COUNCIL MEMBER EDINGER	Voted <u>Aye</u>

_____ was absent. Motion carried.

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

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

1. Additional Exceptions.

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

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

February 7, 2005
PUBLIC WORKS COMMITTEE
Minutes

COMMITTEE MEMBERS PRESENT

Council Member Ron Edinger
Council Member Dixie Reid
Council Member Woody McEvers

CITIZENS PRESENT

Robin Shaw, PW Item #2
Gary Ulvan, PW Item #2
Matt Tosi, GS Item #1
Bill Dodd, GS Item #1
Steve James, PW Item #1

STAFF PRESENT

Warren Wilson, Asst. City Atty.
Kirk Johnson, IT Network Adm.
Amy Ferguson, Cmte Liaison
Jim Markley, Water Super.
John Stamos, Planning Dept.
Mike Gridley, City Attorney
Wendy Hague, City Administrator

NOTE: Due to the lack of a quorum on the General Services Committee, the General Services Committee meeting was cancelled and the agenda items were heard by the Public Works Committee.

**G. S. Item 1 Request for Use of City Streets – Coeur d'Alene Pedicab
(PW Committee)**

Matt Tosi and Bill Dodd presented a request for approval of a pedicab service to operate upon the city rights-of-way within the city limits of Coeur d'Alene. Mr. Tosi explained that the pedicabs would have a mountain bike-style front with a fiberglass seat on the back, and a maximum passenger weight of 500 pounds. Mike Gridley, City Attorney, confirmed that the pedicabs could be used on the Centennial Trail and that the only thing prohibited was motorized vehicles. After being questioned regarding where the bikes will be stopping, Mr. Tosi indicated that they will stop where the customer needs them to stop, and that the pedicabs will have headlights, brake lights, turn signals, and running lights. Mr. Tosi also stated that the pedicabs would initially run from Thursday to Sunday, but could run 7 days a week if the operation is successful, and that the drivers would operate for tips only, and wear uniforms. Mr. Tosi explained that the pedicabs would operate mainly in the downtown and Riverstone areas. Mr. Gridley stated that Mr. Tosi and Mr. Dodd had presented their idea to the Pedestrian & Bicycle Advisory Committee and they were in support of the proposal.

MOTION: RECOMMEND City Council approval of the request to operate a pedicab service upon the city rights-of-way within the city limits, and authorize staff to prepare the appropriate documentation.

**G.S. Item 2 Declaration of Surplus Property
Consent Calendar**

Kirk Johnson, IT Network Administrator, presented a request to approve the declaration of certain computer hardware as surplus. Mr. Johnson stated that the hardware items are no longer functional, and are broken as well as very outdated. As such, there is no dollar value

to the property. Mr. Johnson recommended offering the items to employees, and anything that is not taken would be offered to Anchor House or hauled to the dump. Councilman Reid also suggested that Mr. Johnson talk to the Women's Center and Senior Center to see if they would have any interest in the items. Discussion ensued regarding the printers on the surplus list, and Mr. Johnson stated that they were defective and not reliable.

MOTION: RECOMMEND that the City Council declare the requested list of computer hardware surplus and authorize the IT staff to appropriately dispose of the property.

**G.S. Item (a) Planning Commission Reorganization
(PW Committee)**

John Stamsos, Planning Commission Liaison, notified the Committee that the Planning Commission will be beginning a one-year trial of utilizing two groups to conduct the hearings and planning functions of the Planning Commission. One group would conduct the public hearings and administrative items, and one group will work on the Comprehensive Plan, the new commercial zones, and other long-range planning matters. In dividing the two groups, the commissioners feel that they will use their resources more effectively by having one group focusing exclusively on long-range planning items rather than the whole group dividing their time between public hearings and long-range planning. After one year, the commission will evaluate the arrangement and decide to continue it or go back to the full commission doing all activities. Mr. Stamsos stated that this type of structure has been used successfully in other communities. Councilman Edinger asked if the council would need to change how the Planning Commission is organized. Warren Wilson, Assistant City Attorney, stated that the council would not need to take any action unless the change was permanent, since there would be a quorum of 5 members at the public hearings. The lack of a quorum in the second group focusing on long-range planning would not be a problem, because it would be essentially a subcommittee, and any voting or decisions would be made by the entire group. Discussion ensued regarding concerns about how only five members of the commission making decisions at hearings would reduce the diversity of the commission. Mr. Wilson assured the committee members that the proposed arrangement would not be in violation of any state laws.

The committee requested that Mr. Stamsos be present at the next Council meeting on February 15th to discuss the Planning Commission's proposal with the entire Council.

MOTION: NO MOTION. FOR INFORMATION ONLY.

**P.W. Item 1 New 12" Water Main on Ironwood Drive between N.W. Boulevard
and KMC**

Consent Calendar

Jim Markley, Water Superintendent, presented a request for approval to move the Ironwood Drive project forward to this fiscal year, to be included in the design work of the Tubbs Hill Reservoir replacement project. Mr. Markley stated that the 1999 Water Comprehensive plan included a number of water main projects, one of which was upsizing the Ironwood Drive main running from Lakewood Drive easterly to the hospital from 8" to 12" diameter pipe. The street will be overlaid this summer, so to avoid a conflict with the no-cut policy, Mr. Markley requested that the water main replacement project be moved forward so that it can

be completed this spring. Mr. Markley stated that JUB Engineers would accomplish the design work under the current Tubbs Hill reservoir project, and that a budget amendment would be needed.

Steve James, of JUB Engineers, gave an update on the Tubbs Hill Reservoir project.

MOTION: RECOMMENDED Council approval of a budget amendment to move the Ironwood Drive water main upsizing project forward to this fiscal year, and to include the design work in the Tubbs Hill reservoir replacement project.

**P.W. Item 2 Water Service Request Outside City Limits
Consent Calendar**

Jim Markley, Water Superintendent, presented a request for water service outside City limits under the recently approved amendment to the water service policy (Resolution 05-003). The two applicants, Gary Ulvan and Robin Shaw, share a single well, and submitted written requests for water service. The applicants stated that their request meets all of the conditions for allowing extension of water service to existing residences outside City limits, which are: (1) the parcel is not contiguous and cannot be annexed to the City at the time of the request; (2) water service is available through an existing water main fronting the property; (3) the existing water source is failing and cannot reasonably be enhanced enough to provide adequate water to the residence; (4) the owner consents, by agreement, to future annexation at the city's pleasure; and (5) the owner agrees to transfer their water requests to the City.

MOTION: RECOMMEND that the Council approve the requests for water service outside City Limits pursuant to Resolution 05-003.

The meeting adjourned at approximately 4:48 p.m.

Respectfully submitted,

Amy Ferguson
Committee Liaison

on this grant process.

CONSENT CALENDAR: Motion by Reid, seconded by Edinger to approve the Consent Calendar as presented.

1. Approval of minutes for February 1, 2005.
2. The Public Works Committee and General Services Committee are scheduled for **Tuesday, February 22nd**, at 4:00 p.m.
3. RESOLUTION NO. 05-012 - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR MAINTENANCE/WARRANTY OF SUBDIVISION WORK, WITH MICHELLE M. DIAL, WHOSE ADDRESS IS 887 S. FAIRMONT LOOP, COEUR D' ALENE, IDAHO 83814.
4. Declaring certain computer hardware surplus and authorizing disposition of same.
5. Approval of new 12" water main on Ironwood Drive between NW Blvd. and KMC.
6. Approval of request for water service outside city limits to Gary Ulvan and Robin Shaw.
7. Approval of bills as submitted and on file in the City Clerk's Office
8. Setting of Public Hearings: ZC-8-04, O-1-05, A-1-05, ZC-3-03 for April 5, 2005.

ROLL CALL: Wolfinger, Aye; Hassell, Aye; Goodlander, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye. Motion carried.

CONNECT IDAHO: Council President Reid noted that the State Transportation Dept. is asking the City to write a letter of support for the Garvee Bond project which would dedicate funds for the improvements for U.S. 95. All of the projects are estimated to cost \$6.5 billion. The first project is from Garwood and Sagle and it is hoped that it would be the first Garvee bond sale in 2007. The amount of bonding repayment would be less than 25% of the dollars spent on highway construction by the Idaho State Transportation Department in a year's time. Motion by Reid, seconded by Goodlander to endorse the concept of the Garvee bond process. Motion carried.

RECREATION: Councilman Hassell announced that Youth soccer boys and girls registration, 5-14 years of age, is now available.

APPOINTMENT – DESIGN REVIEW COMMITTEE: Motion by Goodlander, seconded by Wolfinger to appoint Tom Messina to the Design Review Committee representing the Planning Commission. Motion carried.

BIRTHDAY WISHES: Ruth Birch 100th birthday – Mayor Bloem had the privilege of participating with part of her celebration and wished her a happy birthday.

EXECUTIVE TEAM REPORT: On behalf of the Executive Team, Troy Tymesen, announced the following: We are currently accepting applications for a Recreation Department Ball Field Maintenance Worker and a Parks Department Tree Care Educator position. The Street Maintenance Department's goal is to keep the city free of damaging potholes. We would encourage citizens to call in any potholes encountered to 769-2233.

Prior Actions
Phelps (Current Owner)

**PUBLIC WORKS COMMITTEE
STAFF REPORT**

DATE: August 27, 2007

FROM: Jim Markley, Water Superintendent
Warren Wilson, Chief Deputy City Attorney

SUBJECT: Request to Review the Water Service Outside City Limits Policy

DECISION POINT:

Hear the request by Kent and Tracy Phelps to amend the water service outside City limits policy and determine if it should be amended.

HISTORY:

In the early 1980's the City adopted a policy regarding the provision of water service outside City limits. That policy was the subject of near continuous dispute including one case that was ultimately decided by the Idaho Supreme Court. As development increased in our area so did the requests for water service outside City limits leading to a revised policy that was adopted in early 2006 (a copy is attached for your convenience). Kent and Tracy Phelps requested water service for a parcel of land that they own at 1894 N. Johnson Road, which is outside City limits. Staff has reviewed this request and it does not meet the requirements of our policy. The Phelps' have asked that the policy be amended in some manner that would allow them to receive water service.

FINANCIAL ANALYSIS:

The current policy was adopted to help limit the number of connections outside City limits to those who had a "right" to water service or in limited situations where an existing residence has a failing water supply that cannot be readily repaired (the "good neighbor" provision). In addition there are protections built into the policy to perfect the integrity of the service we provide to our existing residents and customers. Amending the policy in a manner that makes it easier to obtain water service outside of City limits would increase the City's expenses for providing service to our existing customers and residents especially in this area where the level of service currently provided is only adequate.

PERFORMANCE / QUALITY OF LIFE ANALYSIS:

Under the current policy, before a property outside City limits can receive water service it must annex if it is contiguous to the City limits. If the property cannot satisfy the annexation requirement, the owner needs to establish that their property is in one of the subdivisions that paid for the water main installation, that their property is currently being served by a failing water service that can't be readily repaired or that they (or a predecessor in interest) contributed financially to the installation of the water main. There are also limits on the size of the connection and restrictions to protect the integrity of the system. These requirements protect the integrity of our system as well as insuring that those who want to benefit from City services pay their share of the costs associated with providing those services.

Allowing additional connections beyond what the policy currently allows may well return us to the situation that existed until last spring when a party could obtain water simply by owning property abutting a main, which is the reason Council chose to amend the policy. If the policy is to be amended at all, staff recommends that it be amended to make it clear that the “good neighbor” provision cannot be used to solve a self inflicted problem.

DECISION POINT/RECOMMENDATION:

Recommend that the Council deny the Phelps’ request and only amend the policy to make it clear that the “good neighbor” provision does not apply to situations where the owner created the problem.

August 27, 2007
PUBLIC WORKS COMMITTEE
MINUTES

COMMITTEE MEMBERS PRESENT

Council Member Mike Kennedy
Council Member Woody McEvers

CITIZENS PRESENT

Jack & Electa Russell, Item #4
Kent & Tracy Phelps, Item #6
Shawn McMahan, Item #4
Monte Miller, Item #4
Dick Stauffer, Item #4
Doug Busko
Anneke Connaway, Item #3

STAFF PRESENT

Warren Wilson, Chief Deputy City Attorney
Sid Fredrickson, Wastewater Supt.
Amy Ferguson, Committee Liaison
Chris Bates, Engineering Proj. Mgr.
Dave Shults, Capital Program Manager
Gordon Dobler, Engineering Svcs Dir.
Mike Gridley, City Attorney
Jim Markley, Water Supt.
Karen Haskew, Urban Forester

Item 1 WWTP – Change Order #10 for Polymer Equipment Replacement Consent Calendar

Sid Fredrickson, Wastewater Superintendent, and Dave Shults, Capital Program Manager, presented a request for approval of Change Order 10, for an increased cost of \$6,564.00 to the City's agreement with Contractor's Northwest, Inc. for a total construction contract amount of \$11,799,369; of which \$67,260.00 is for installation of the City's prepurchased polymer equipment. Mr. Shults' staff report indicated that the City previously approved Change Order #9 to allow the WWTP Phase 4B contractor, Contractors Northwest, to assist with the installation of the replacement polymer equipment purchased by the Wastewater Department after the Phase 4B work was done. Funding for the polymer equipment replacements costs is from the wastewater utility's equipment replacement reserve fund. During the installation work, Contractors Northwest and its subcontractors incurred additional costs in the amount of \$6,564.00, which reflects the additional time that was spent working through issues related to late and incomplete delivery of the city-purchased equipment from Siemens Water Technologies, rework of some of the equipment components, and for the minor addition of piping and electrical work that was necessary to complete the design. Mr. Fredrickson commented that Siemens plans to take responsibility for most of the additional costs incurred by reducing the base cost of the equipment.

MOTION: RECOMMEND Council approval of Resolution No. 07-___ approving Change Order #10 in the amount of \$6,564.00 to the City's agreement with Contractor's Northwest, Inc., for a total construction contract amount of \$11,799,369; of which \$67,260.00 is for installation of the City's prepurchased polymer equipment.

Item 2 Request to Review the City's policy on Water Service Outside City Limits

Jim Markley, Water Superintendent, presented a request from Kent and Tracy Phelps to amend the policy on new water services outside City limits. Mr. Markley indicated that the current policy was adopted to help limit the number of connections outside City limits to those who had a "right" to water service or in limited situations where an existing residence has a failing water supply that cannot be readily repaired (the "good neighbor" provision). After review of Mr. and Mrs. Phelps' request and the current water policy, staff has determined that the request does not meet the requirements of the water policy. As a result, the Phelps' have asked that the policy be amended in some manner that would allow them to receive water service. Mr. Phelps confirmed that the water service requested would be for a second home

on his parcel of land. Mr. Wilson indicated that the “good neighbor” policy is for a single family residence. Since the Phelps already have one home on the city water system, the City would have to amend the water policy to do what is requested by the Phelps. The staff report states that there are protections built into the policy to perfect the integrity of the service that is provided to existing residents and customers. Those requirements protect the integrity of the City’s water system as well as insure that those who want to benefit from City services pay their share of the costs associated with providing those services. As a result, the staff report recommended that the Council deny the Phelps’ request and amend the policy to make it clear that the “good neighbor” provision does not apply to situations where the owner created the problem.

MOTION: NO MOTION. This item will be placed on the September 4th Council Meeting Agenda as a discussion item under Public Works Committee.

Item 3 V-07-2 – Vacation of a Portion of Excess Seltice Way Right-of-Way Adjoining the Southerly Boundary of the Coeur d’Alene Honda Auto Dealership
Consent Calendar

Chris Bates, Engineering Project Manager, presented a request from Coeur d’Alene Honda for the vacation of thirty (30’) of excess right-of-way along their property frontage on Seltice Way. Mr. Bates explained that the applicant desires to enlarge the auto sales operation on the subject property and construct a new automobile sales facility on the westerly portion of their site. Further, the new site plan relocates the points of ingress and egress and, at the same time, lowers the site to present a more visual picture from the roadway. Relocation of the center access point directly impacts the two westerly pine trees and would result in their removal.

Karen Haskew, Urban Forester, stated that Seltice Way has been identified by the Urban Forestry Committee as a corridor where retention and planting of native species should be encouraged. If the trees are removed, the Urban Forestry Committee would like to see potentially big trees replanted, even though it might take them a long time to grow back to the size of the current trees. Ms. Haskew stated that she has spoken to the site designer and CDA Honda and they are open to planting as many evergreen trees as they can. The Urban Forestry Committee would like to see an equal diameter planting or a contribution to the reforestation fund. Discussion ensued regarding the location of the right-of-way and the effect that it could have on the trees, including where the power lines might be installed. Mr. Dobler stated that the request for removal of trees would probably go before the Urban Forestry Committee later when they get to the construction phase. Ms. Connaway pointed out that in 2003 CDA Honda removed four similar-sized trees from the right-of-way without obtaining a permit. Mr. Bates reminded the committee that state laws indicate that you cannot attach any requirements or conditions to a vacation – you either vacate or you don’t; however City code says that when you remove a tree, you have to replace it.

MOTION: RECOMMEND Council direct staff to proceed with the vacation process and set a public hearing before the City Council for October 2, 2007.

Item 4 No Parking Zone – Front Street
Consent Calendar

Gordon Dobler, Engineering Services Director, presented a request for Council approval to establish a “No Parking Zone” on Front Street adjacent to McEuen Terrace. Mr. Dobler stated in his staff report that the City has received a request by one of its residents to establish a no parking zone on either side of the western driveway entrance to the McEuen Terrace building. An evaluation of the conditions indicated that the driveway is coming up from the parking garage and when the residents are leaving the garage visibility in both directions is extremely limited when cars are parking adjacent to the driveway because

the vehicles are lower than they normally would be. Mr. Dobler also stated that the volume of traffic on Front Street creates an issue for visibility. He would recommend a total of three vehicle spaces be designated as “no parking”, one on the west side of the driveway, and two on the east side of the driveway.

Mr. Jack Russell of the McEuen Terrace Homeowners Association stated that he concurred with Mr. Dobler’s recommendation in that it is a dangerous situation for both the people coming out of the garage, and also for oncoming traffic. Mr. Sean McMahon agreed that he would like it to be safe, but at the same time the parking in the downtown area is an issue. He explained that it wasn’t an issue until the reconfiguration of the streets and the construction of the new library. He requested that some parking be put back on the south side of Front Street for the businesses and residents of McEuen Terrace. Ms. Ferguson mentioned that the issue of parking at the new library was going to be discussed at the upcoming Parking Commission meeting on Tuesday, September 4th, at 3:00 p.m., in Council Chambers.

Mr. Monte Miller suggested the possible use of “fisheye” mirrors on the traffic posts at the curb line which would allow the residents to see the oncoming traffic. Mr. Dobler explained that there are specific requirements that need to be met and there the use of “fisheye” mirrors are not addressed in the regulations he is required to follow.

Mr. Stauffer stated that he would like to see the “no parking” area be the minimum size required so as to retain as much parking as possible. Mr. Miller also suggested that perhaps the speed limit on Front Street could be reduced due to the traffic in the area. He also expressed concern regarding the reduction of parking spaces on the street due to the new library construction.

Mr. Dobler indicated that he would review the recommendation for the “no parking zone” and make sure that it is as small as possible.

MOTION: RECOMMEND Council approval of Resolution No. 07-___ establishing a “No Parking Zone” on the north side of Front Street from 7th Street approximately 120 feet easterly.

**Item 5 Annexation Agreement with SMS Investments
Consent Calendar**

Warren Wilson, Chief Deputy City Attorney, presented a request for approval of an Annexation Agreement with SMS Investments, LLC, for property located near the Coeur d’Alene Place and Ramsey Cove subdivisions between Ramsey and Atlas roads. Mr. Wilson stated that SMS Investments has preliminary plat approval for a 21 lot subdivision and is currently finalizing the final plat with 20 lots. Mr. Wilson further indicated that there were no recommendations from the Planning Commission or the City Council and there was nothing out of the ordinary in regard to this annexation agreement.

MOTION: RECOMMEND Council approval of Resolution No. 07-___ authorizing the City of Coeur d’Alene to enter into an Annexation Agreement with SMS Investments, LLC for property located near the Coeur d’Alene Place and Ramsey Cove subdivisions between Ramsey and Atlas roads.

**Item 6 RR Crossing Agreement with BNSF
Consent Calendar**

Mike Gridley, City Attorney, presented a request for the City to enter into a public crossing agreement with Burlington Northern Santa Fe Railroad to allow construction of a public crossing in the Atlas Mill site when the property is annexed into the city. Mr. Gridley explained that Black Rock and Stimson

Lumber cannot close on the sale of the Atlas Mill property until there is an agreement in place that will allow for construction of a permanent public crossing. He further stated that there should be no financial impact on the city and that the reality is that it is unlikely that the crossing will ever be required to be built since the agreement is structured so that the public crossing will not be constructed until after the railroad has taken the rail line out of service. The main purpose of this agreement is to facilitate the seller and purchaser closing on the sale of the Atlas Mill site so that it can then be annexed into the city.

MOTION: RECOMMEND Council Approval of Resolution No. 07-___ authorizing the City of Coeur d'Alene to enter into a public crossing agreement with Burling Northern Santa Fe Railroad to allow for construction of a public crossing in the Atlas Mill site when the property is annexed into the city.

The meeting adjourned at 5:25 p.m.

Respectfully submitted,

Amy C. Ferguson
Public Works Committee Liaison

WATER SERVICE OUTSIDE CITY LIMITS: Mayor Bloem recused herself from this issue due to a conflict of interest. Councilman Reid noted that the City's current policy does not allow service outside the city limits. She explained that the City had conducted a 201 Water Study which determined the capacity of which the city can draw from the aquifer and to ensure our citizens have an adequate supply of clean water, the City developed the policy not to provide water service outside the city limits. Kent Phelps, 1894 N. Johnson Road, owner of the subject property, would like to subdivide his county lot and construct another home on his parcel and requested the city extend their water service to the new home. He doesn't believe he is asking for additional water because he believes he could just extend the water from his home to the new residence. Councilman Hassell noted that one of the problems is if we do it for one or two or three residents outside the city limits, there would be no reason for people on the outskirts of the city to annex into the City. Additionally, if there is a problem in the overall system, the City residents would be responsible for making those repairs and those who are on the system, but not in the city, would not share in this cost. Councilman Edinger also noted that it has been the policy that if a residence meets the criteria for extending service outside the City limits it is for one home and not for the property owners to subdivide their lots and construct more homes. Motion by Reid, seconded by Goodlander to uphold the current policy for extending water service outside the City limits and to deny Mr. Phelps' request based on the policy that service is for water to existing homes and not for issues created by the current owner such as subdividing lots and building additional homes in the County. Motion carried.

RESOLUTION 07-057

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ANNEXATION AGREEMENT WITH SMS INVESTMENTS, LLC.

Motion by Reid, seconded by McEvers to adopt Resolution 07-057.

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

ORDINANCE NO. 3312 COUNCIL BILL NO. 07-1036

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF SECTION 27, TOWNSHIP 51, NORTH, RANGE 4W, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; CHANGING THE ZONING MAPS OF THE CITY OF COEUR D'ALENE; AMENDING SECTION 1.16.050, COEUR D'ALENE MUNICIPAL CODE, BY DECLARING SUCH PROPERTY TO BE A PART OF PRECINCT #38; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT

**PUBLIC WORKS
STAFF REPORT**

DATE: September 8, 2008
FROM: Jon Ingalls, Deputy City Administrator

SUBJECT: SIDEWALK POLICY - UPDATES & CLARIFICATIONS

DECISION POINT:

The Council is requested to consider some updates and clarifications with respect to the adopted Americans With Disabilities Act (ADA) Sidewalk Hazard Abatement Program.

HISTORY:

By Resolution 06-010, the City Council has adopted a goal of bringing city sidewalks into compliance with the Americans With Disabilities Act (ADA). On May 20, 2008, the City Council approved a number of recommendations pertaining to a new ADA Sidewalk Hazard Abatement Program with the direction to staff to bring back to Council details on: 1) sidewalk repair prioritization (a 5 Year Plan of areas proposed to be repaired), 2) details on the Incentive Program to encourage the completion of sidewalk repairs by property owners ahead of the time they may be programmed in a 5 year plan, and 3) options for the reimbursement of property owners who complied with City letters that directed repairs prior to the adoption of the new ADA Sidewalk Hazard Abatement Program.

FINANCIAL ANALYSIS:

Tied to foregone taxes, the ADA Sidewalk Hazard Abatement Program is budgeted at \$200,000/year, and this will produce approximately 5,000 lineal feet of sidewalk repairs per year. This program would be linked to inflation so that the annual amount of work would be +/- \$200,000 to support the repair of approximately 5,000 lineal feet annually. A budget target of \$5,000 is proposed to fund the Incentive Program for the first year. Applications for the Incentive Program would be processed on a first-come, first-serve basis with any applications not processed due to lack of funds held until the next year's funds become available. Funding to provide reimbursement to property owners who complied with prior City letters could be funded within the fiscal year 2008-2009 budgeted amount of \$200,000 by hiring the sidewalk crew later in the fiscal year.

PERFORMANCE ANALYSIS:

Attachment #1 provides an updated draft sidewalk policy statement. This is the same language as previously presented to Council with the exception of added details on the sidewalk Incentive Program.

Attachment #2 provides a first draft of the 5 Year Priority Plan that would be updated each year and presented to Council. In general, the ADA guides us to prioritize repairs first in civic areas, followed by commercial areas, then residential areas. This guidance was considered in shaping the proposed 5 Year Plan. Create an accessible route on at least one side of the street. The first years of the plan reflect "catch up" work necessary to make an accessible route to connect the investment already made in the 300+ ped ramps constructed on 3rd Street, 4th Street, Lakeside Avenue, Best Avenue, and Harrison Avenue. It only makes sense to complete these areas first, otherwise, the ped ramp costs already invested would not provide a complete and usable ADA route. In general, they are also in high traffic, civic corridors.

As for reimbursements to those property owners receiving a letter of direction, approximately 15 complied with the directive and completed the repairs. Council may wish to consider partial or full reimbursement for City-directed repairs for both residential and commercial owners. Two options are provided for consideration: 1) reimbursement similar to that set forth in the proposed Incentive Program (up to \$20/foot up to \$500 max. for directed repairs only), and 2) unlimited reimbursement for only the directed scope of work.

DECISION POINT/RECOMMENDATION:

It is recommended that the City Council:

- Adopt the updated Sidewalk Policy Statement including the revised language on the Incentive Program.
- Authorize staff to implement the attached 5 Year Priority Plan.
- Authorize staff to reimburse property owners who complied with City letters of direction for only the scope of repairs as directed in the letter either partially or fully as Council desires.

Attachments: 1) Sidewalk Policy Statement (Revised Incentive Plan)
2) Draft 5 Year Priority Plan

5 YEAR SIDEWALK PRIORITY PLAN

In general, the ADA guides us to prioritize repairs first in civic areas followed by commercial areas, then residential areas. This guidance helped us in preparing our 5 year model. With over 300 + Ped Ramps placed or constructed in the last 3 years, the committee looked at these areas as an investment that we should capitalize on and target for sidewalk repairs first.

The Committee is comprised of a member from the Bike/Ped committee, community citizens with disabilities, and staff. The intent of the committee was to provide accessibility in areas that we have invested as a city. By providing accessible routes but not necessarily whole streets the committee felt this would serve our community with a better common sense approach. This 5 year plan will also meet the criteria set by the ADA guidelines of civic, commercial and residential considerations. Other routes for future consideration defined by the Priority Plan Committee were: Safe Routes to School, hospital/health facilities, Mullan/Garden Avenue corridor to NIC, Bike Path corridors, 15th Street Sherman to Harrison, and 7th Street Sherman to Harrison.

Street/ Year

* 2008-09

1) 3rd Street/ Harrison to Lakeside (Eastside)

* 2009-10

2) Lakeside Avenue 8th to 15th (Northside)

Government Way - Harrison to N.W. Blvd. (Westside)

* 2010-11

3) 4th Street/ Harrison to I-90 (East and West sides)

* 2011-12

4) Harrison Avenue

* 2012-2013

5) Best Avenue

3rd Street (Westside)

Footnotes:

- 1) This area we will start in the fall of 2008 and finish in September of 2009. The area has approximately 4600 lineal feet of repair, alley approaches and tree root intrusions.
- 2) This area we will start in the fall of 2009 and finish in September of 2010. The area has approximately 5300 lineal feet of repair. It also has many tree root invasions that will take a case by case scenario to fix. Many of these sidewalks are in very bad shape.
- 3) This area we will start in the fall of 2010 and finish in September of 2011. The area has approximately 4100 lineal feet of repair. The work done in this area will connect the downtown core to Appleyway Avenue.
- 4) This area has approximately 4400 lineal feet of sidewalk repair. It will connect Government Way to 15th Street.(safe route to schools project). By connecting this route to other finished areas will create a good mix of commercial, residential and civic routes in the mid- town area.
- 5) This area has approximately 5900 lineal feet of sidewalk repair

RESOLUTION NO. 08-050

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING A SIDEWALK CURB RAMP – ACCESSIBILITY POLICY.

WHEREAS, The Mayor and City Council have deemed it advisable and necessary for the City to determine how best to comply with the requirements of the Americans with Disabilities Act regarding the provision of accessible sidewalks given the financial and other resources available to the City; and

WHEREAS, The Mayor and City Council have determined that the provision of accessible sidewalks benefits all of the residents of Coeur d'Alene; and

WHEREAS, The Mayor and City Council have considered multiple options for repairing and/or replacing broken or non-compliant sidewalks and curb ramps, including requiring property owners to make the necessary repairs, forming Local Improvement Districts, pursuing legislative authorization for a special assessment for sidewalk repairs, contracting with private industry to make the repairs and performing the repairs in house; and

WHEREAS, The Mayor and City Council has asked for and received significant public input at multiple public meetings regarding the best and most cost effective means of repairing sidewalks; and

WHEREAS, based on this public input and the direction from the Mayor and City Council, City Staff has proposed the policy attached hereto as "Exhibit A"; and

WHEREAS, The attached policy was presented to the Public Works Committee of the City Council on September 8, 2008, who recommended that the City Council adopt the policy; and

WHEREAS, the Mayor and City Council have determined that the attached policy is the best option for repairing and/or replacing damaged or non-compliant sidewalks given the financial and other resources available to the City; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof that such policies be adopted; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the policy attached hereto as Exhibit "A" be and is hereby adopted.

DATED this 16th day of September, 2008

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

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

ROLL CALL:

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER HASSELL Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER GOODLANDER Voted _____

COUNCIL MEMBER BRUNING Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

SIDEWALK & CURB RAMP – ACCESSIBILITY POLICY (REVISED)

BACKGROUND: In response to the Americans With Disabilities Act (ADA), the City of Coeur d’Alene is mandated to provide accessible pedestrian routes within the City. Surveys of the city’s sidewalk system reveal many sidewalks that are either in a deteriorated condition or out of compliance with ADA standards. Safe and accessible sidewalks not only enable the city to meet ADA mandates, but they provide a community benefit to all citizens. The following sidewalk action plan is designed to attain ADA compliance and provide safe pedestrian travel:

1. Continued enforcement – Regarding sidewalks, the Municipal Code remains unchanged, and states that the sidewalk abutting a property is the property owner’s responsibility. Therefore, the city’s code enforcement processes will continue to be utilized as an enforcement/maintenance mechanism in situations where complaints arise over a non-compliant section of sidewalk that is not identified in the City’s annual work plan under the ADA Hazard Abatement Account identified below.
2. ADA Hazard Abatement Account – This account will fund repairs for ADA sidewalk deficiencies that are included in a 5 Year Priority Plan that will be updated and approved by the City Council on a yearly basis. The ADA Hazard Abatement Account is expected to fund an average annual scope of work of approximately 5,000 lineal feet of sidewalk repairs per year. Work will be accomplished by the Street Maintenance Department with some field support from the Parks Department along with some contracted tree services. This account will begin at \$200,000/year and would be adjusted annually for inflation.
3. Curb ramps – In conjunction with sidewalk improvements, the City will include the installation/repair of curb ramps. Since sidewalks and curb ramps provide a benefit to the entire community, they have been funded out of the City’s General Fund.
4. Development projects - per ordinance 12.28.210 (C), sidewalk repairs and improvements will be required as triggered by a building permit greater than \$15,000 (or current permit trigger value if \$15,000 is increased by ordinance). Funding and execution of these improvements and repairs remains the responsibility of the abutting property owner. Similarly, sidewalks for new subdivisions will continue to be the responsibility of the developer.
5. Prioritization – the City will gather citizen input such as through the Ped/Bike Committee or other similar forum to help establish a systematic prioritization that ensures an effective compliance schedule and the greatest return on resource expenditure. In the past, City policy was to prioritize ADA accessibility to those streets being overlaid. Going forward, this policy change would prioritize ADA accessibility work in a geographic area first focused on civic areas, then commercial areas, followed by residential.

The following policy clearly states the City’s method of accessibility compliance for public rights-of-way.

POLICY
ACCESSIBILITY FOR PUBLIC RIGHTS-OF-WAY

SIDEWALKS/CURB RAMPS: ADA Hazard Abatement Account – sidewalk repair and curb ramp installation, other than those triggered by building permit and subdivision ordinances, shall be funded out an ADA Hazard Abatement Account and accomplished by the Street Maintenance Department with some field support from the Parks Department along with some contracted tree services. Non-compliant driveway approaches will remain the responsibility of the abutting property owner. This account would be increased annually to keep pace with inflation. This work shall be prioritized by geographic area, first focused on civic areas, then commercial areas, followed by residential.

WATER, SEWER, AND STORMWATER INSTALLATIONS: Whenever a street alteration (generally work greater than one block of curb to curb street removal/replacement) occurs due to the replacement of a water line, sewer line, or stormwater line as a result of a City utility project, the Utility shall install curb ramps along the route of the pipeline and bring abutting sidewalks into ADA compliance.

SPECIAL REQUESTS AND SIDEWALK COMPLAINTS: Requests for installation of curb ramps, outside of the approved annual work plan, will be evaluated on a case by case basis. The City may install curb ramps in response to a special request from a citizen with a demonstrated need and evaluation by the City’s ADA Compliance Officer. Complaints received regarding non-complaint sidewalks will be addressed in accordance with City Code. The adjacent property owners are responsible to mitigate any non-compliant sidewalks.

LOCAL IMPROVEMENT DISTRICT (LID)/STREET RECONSTRUCTION/BUSINESS IMPROVEMENT DISTRICT (BID). When considered as an integral part of a Local Improvement District or street reconstruction project, sidewalk improvements shall remain the responsibility of the abutting property owner. Similarly, this policy does not change sidewalk responsibilities agreed to under a BID agreement.

SIDEWALK INCENTIVE PROGRAM. The City of Coeur d’Alene will reimburse documented residential property owner expenditures for sidewalk removal and replacement, including City encroachment permit fees, at \$20 per lineal foot of sidewalk replaced up to a maximum of \$500 per property per year. Expenditures are eligible for reimbursement provided they meet the following conditions.

- An application for reimbursement is completed and an encroachment permit is obtained. A satisfactory final approval by the City must be obtained.
- The property is residential (single family, duplex, or multi-family).
- The sidewalk replaced must meet the City’s replacement guidelines. This must be verified by the City prior to submittal for reimbursement.
- The work was not required as a condition of issuance of a building permit or any other discretionary approval by the City.

Reimbursement will be made on a first-come first-served basis. The City Council will establish the annual budget for the reimbursement account. Once the funds are expended, eligible requests will be placed on waiting list for the next budget year or until additional funds become available.

OTHER BUSINESS

**Resolution 08-051
Landings Park Phase I
to be hand-delivered**

PUBLIC HEARINGS

MEMORANDUM

DATE: September 3, 2008
TO: Mayor/Council
FROM: Susan Weathers, City Clerk
RE: Rescheduling of Public Hearing - Intent to Exchange Real Property with
Idaho Dept. of Transportation

Due to a complication in getting the necessary notice published, Council is being requested to reschedule the public hearing on the Intent to Exchange Real Property with the Idaho Dept. of Transportation from Sept. 16, 2008 to October 7, 2008.

COUNCIL BILL NO. 08-1017
ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 3334, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 APPROPRIATING THE SUM OF ~~\$71,317,159~~ \$72,904,094, WHICH SUM INCLUDES ADDITIONAL MONIES RECEIVED BY THE CITY OF COEUR D'ALENE IN THE SUM OF \$1,586,935; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

Section 1

That Section 1 of Ordinance 3334, Ordinance of the City of Coeur d'Alene, be and the same is hereby amended to read as follows:

That the sum of ~~\$71,317,159~~ \$72,904,094, be and the same is hereby appropriated to defray the necessary expenses and liabilities of the City of Coeur d'Alene, Kootenai County, Idaho, for the fiscal year beginning October 1, 2007.

Section 2

That Section 2 of Ordinance 3334; Ordinances of the City of Coeur d'Alene be and the same is hereby amended to read as follows:

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

GENERAL FUND EXPENDITURES:

Mayor and Council-----	\$	196,349	
Administration-----		787,352	
Finance Department-----		771,370	
Municipal Services-----		1,278,991	1,253,991
Human Resources-----		244,632	
Legal Department-----		1,211,519	1,226,519
Planning Department-----		546,406	540,406
Building Maintenance-----		541,636	501,636
Police Department-----		8,732,252	
K.C.J.A. Task Force-----		149,340	
C.O.P.S. Grant-----		58,061	
Byrne Grant-----		136,392	
Fire Department-----		5,879,934	5,979,934
General Government-----		1,649,340	1,783,113

Engineering Services-----	1,459,988	1,491,168
Streets/Garage-----	2,434,730	2,461,512
Parks Department-----	1,643,316	1,661,016
Recreation Department-----	823,517	808,517
Building Inspection-----	834,321	
TOTAL GENERAL FUND EXPENDITURES:	<u>\$29,379,446</u>	<u>\$29,617,881</u>
 SPECIAL REVENUE FUND EXPENDITURES:		
Library Fund-----	\$ 1,085,112	
Impact Fee Fund-----	585,000	
Parks Capital Improvements-----	737,500	813,500
Annexation Fee Fund-----	230,000	
Insurance / Risk Management-----	350,500	
Cemetery Fund-----	293,738	393,738
TOTAL SPECIAL FUNDS:	<u>\$ 3,281,850</u>	<u>\$3,457,850</u>
 ENTERPRISE FUND EXPENDITURES:		
Street Lighting Fund-----	\$ 560,203	
Water Fund-----	6,300,904	6,687,904
Wastewater Fund-----	14,570,736	
Water Cap Fee Fund-----	960,000	
WWTP Cap Fees Fund-----	2,482,683	
Sanitation Fund-----	3,025,984	3,050,984
City Parking Fund-----	240,982	
Stormwater Management-----	1,504,169	
TOTAL ENTERPRISE EXPENDITURES:	<u>\$29,645,661</u>	<u>\$30,057,661</u>
 TRUST AND AGENCY FUNDS:-----		
	3,147,708	3,437,708
STREET CAPITAL PROJECTS FUNDS:-----		
	250,000	325,000
2006 GO BOND CAPITAL PROJECT FUND:--		
	3,240,015	3,628,915
DEBT SERVICE FUNDS:-----		
	2,372,479	2,379,079
GRAND TOTAL OF ALL EXPENDITURES:	<u>\$71,317,159</u>	<u>\$72,904,094</u>

Section 3

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4

This ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation published within the City of Coeur d'Alene and the official newspaper thereof.

APPROVED by this Mayor this 16th day of September, 2008.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

INFORMATION SECTION

Including

Correspondence

Board, Commission, Committee Minutes

CITY OF COEUR D'ALENE
Treasurer's Report of Cash and Investment Transactions

FUND	BALANCE 7/31/08	RECEIPTS	DISBURSE- MENTS	BALANCE 8/31/08
<u>General-Designated</u>	\$573,034	\$87,827	\$149,036	\$511,825
<u>General-Undesignated</u>	5,486,682	4,876,637	6,841,355	3,521,964
<u>Special Revenue:</u>				
Library	198,476	15,191	90,004	123,663
Cemetery	(9,256)	18,965	24,902	(15,193)
Parks Capital Improvements	569,181	171,551	193,647	547,085
Impact Fees	3,575,973	67,168	135,000	3,508,141
Annexation Fees	465,203	1,077		466,280
Insurance	1,976,242	5,404	3,105	1,978,541
<u>Debt Service:</u>				
2000, 2002 & 2006 G.O. Bonds	1,538,869	11,651	868,938	681,582
LID Guarantee	266,992	618		267,610
LID 124 Northshire/Queen Anne/Indian Meadows	19,977	1,851		21,828
LID 127 Fairway / Howard Francis	26,210			26,210
LID 129 Septic Tank Abatement	195,732	172		195,904
LID 130 Lakeside / Ramsey / Industrial Park	95,049	1,046	630	95,465
LID 133 E Sherman/Gravel Sts/Forest Prk Paving	332			332
LID 143 Lunceford / Neider	6,936			6,936
LID 145 Government Way	49,200			49,200
LID 146 Northwest Boulevard	177,098			177,098
LID 148 Fruitland Lane Sewer Cap Fees	17,549			17,549
<u>Capital Projects:</u>				
Street Projects	441,095	1,456	20,031	422,520
2006 GO Bond Capital Projects	294,699	379,542	61,388	612,853
<u>Enterprise:</u>				
Street Lights	161,947	37,833	35,222	164,558
Water	684,532	412,142	779,875	316,799
Water Capitalization Fees	854,392	33,981		888,373
Wastewater	15,239,215	535,868	472,596	15,302,487
Wastewater-Reserved	1,499,685	26,500		1,526,185
WWTP Capitalization Fees	3,026,705	152,877	75,039	3,104,543
WW Property Mgmt	60,668			60,668
Sanitation	108,775	250,065	254,114	104,726
Public Parking	576,675	11,751	3,347	585,079
Stormwater Mgmt	501,410	103,827	73,245	531,992
Water Debt Service	-			-
Wastewater Debt Service	487	353,601	354,018	70
<u>Trust and Agency:</u>				
Kootenai County Solid Waste Billing	216,941	188,007	216,941	188,007
LID Advance Payments	720	140	93	767
Police Retirement	1,361,831	90,613	97,066	1,355,378
Cemetery P/C	2,088,109	4,460	1,412	2,091,157
Sales Tax	1,157	1,509	1,157	1,509
Fort Sherman Playground	5,061	42	1,984	3,119
Jewett House	20,382	343	1,470	19,255
KCATT	3,364	8		3,372
Reforestation	(342)		234	(576)
Street Trees	190,396	5,241	3,900	191,737
Community Canopy	987	2		989
CdA Arts Commission	1,283	3		1,286
Public Art Fund	61,987	143	4	62,126
Public Art Fund - LCDC	109,795	254		110,049
Public Art Fund - Maintenance	103,609	290	145	103,754
KMPO - Kootenai Metro Planning Org	64,970	2,011	39,791	27,190
BID	126,269	35,850	30,000	132,119
Homeless Trust Fund	303	262	303	262
GRAND TOTAL	\$43,036,587	\$7,887,779	\$10,829,992	\$40,094,374

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
ELEVEN MONTHS ENDED
31-Aug-2008

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 8/31/2008	PERCENT EXPENDED
Mayor/Council	Personnel Services	\$177,165	\$152,153	86%
	Services/Supplies	19,184	17,229	90%
Administration	Personnel Services	471,791	418,407	89%
	Services/Supplies	315,561	22,266	7%
Finance	Personnel Services	597,890	539,248	90%
	Services/Supplies	173,480	140,884	81%
Municipal Services	Personnel Services	744,968	637,674	86%
	Services/Supplies	520,023	419,524	81%
	Capital Outlay	14,000	13,643	97%
Human Resources	Personnel Services	196,632	178,105	91%
	Services/Supplies	48,000	28,061	58%
Legal	Personnel Services	1,122,598	1,008,415	90%
	Services/Supplies	88,921	81,387	92%
	Capital Outlay			
Planning	Personnel Services	471,106	410,675	87%
	Services/Supplies	75,300	37,438	50%
Building Maintenance	Personnel Services	296,516	201,616	68%
	Services/Supplies	227,120	204,618	90%
	Capital Outlay	18,000	12,835	71%
Police	Personnel Services	7,682,206	7,071,003	92%
	Services/Supplies	902,434	548,942	61%
	Capital Outlay	147,612	123,541	84%
Fire	Personnel Services	5,479,301	5,067,735	92%
	Services/Supplies	400,633	374,792	94%
	Capital Outlay			
General Government	Personnel Services	38,400	5,735	15%
	Services/Supplies	1,610,940	1,746,346	108%
Byrne Grant (Federal)	Services/Supplies	136,392	43,076	32%
COPS Grant	Services/Supplies	58,061	35,640	61%
CdA Drug Task Force	Services/Supplies	149,340	136,623	91%
	Capital Outlay			
Streets	Personnel Services	1,745,130	1,574,503	90%
	Services/Supplies	567,600	500,171	88%
	Capital Outlay	122,000	80,550	66%
Engineering Services	Personnel Services	523,072	367,401	70%
	Services/Supplies	936,916	562,244	60%
	Capital Outlay			

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
ELEVEN MONTHS ENDED
31-Aug-2008

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 8/31/2008	PERCENT EXPENDED
Parks	Personnel Services	1,137,525	955,433	84%
	Services/Supplies	373,291	270,397	72%
	Capital Outlay	132,500	126,461	95%
Recreation	Personnel Services	557,957	466,211	84%
	Services/Supplies	151,127	94,479	63%
	Capital Outlay	114,433	54,589	48%
Building Inspection	Personnel Services	783,216	713,288	91%
	Services/Supplies	51,105	40,475	79%
Total General Fund		<u>29,379,446</u>	<u>25,483,813</u>	<u>87%</u>
Library	Personnel Services	839,559	754,901	90%
	Services/Supplies	170,553	163,532	96%
	Capital Outlay	75,000	68,551	91%
Cemetery	Personnel Services	167,483	145,143	87%
	Services/Supplies	111,255	83,863	75%
	Capital Outlay	15,000	27,897	186%
Impact Fees	Services/Supplies	585,000	383,894	66%
Annexation Fees	Services/Supplies	230,000	230,000	100%
Parks Capital Improvements	Capital Outlay	737,500	565,522	77%
Insurance	Services/Supplies	350,500	316,412	90%
Total Special Revenue		<u>3,281,850</u>	<u>2,739,715</u>	<u>83%</u>
Debt Service Fund		<u>2,372,479</u>	<u>2,516,917</u>	<u>106%</u>
Ramsey Road	Capital Outlay			
Govt Way - Dalton to Hanley	Capital Outlay		20,000	
Ped Ramps	Capital Outlay			
Atlas Road	Capital Outlay			
4th St - Anton to Timber	Capital Outlay		558	
Ironwood	Capital Outlay			
15th Street - Best to Dalton	Capital Outlay	250,000		
Seltice Way	Capital Outlay			
Atlas Signals	Capital Outlay			
Front Street	Capital Outlay			
GO Bond - Refunding & Misc	Capital Outlay			
Library Building	Capital Outlay	300,000		
Fire Dept GO Bond Expenditure	Capital Outlay	2,940,015	2,133,869	73%
Total Capital Projects Funds		<u>3,490,015</u>	<u>2,154,427</u>	<u>62%</u>

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
ELEVEN MONTHS ENDED
31-Aug-2008

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 8/31/2008	PERCENT EXPENDED
Street Lights	Services/Supplies	560,203	409,743	73%
Water	Personnel Services	1,379,833	1,174,004	85%
	Services/Supplies	2,941,071	1,638,146	56%
	Capital Outlay	1,660,000	1,379,141	83%
	Debt Service	320,000	320,727	100%
Water Capitalization Fees	Services/Supplies	960,000	1,268,589	132%
Wastewater	Personnel Services	1,887,548	1,589,961	84%
	Services/Supplies	3,740,921	1,384,409	37%
	Capital Outlay	7,443,386	1,727,715	23%
	Debt Service	1,498,881	955,696	64%
WW Capitalization	Services/Supplies	2,482,683		
Sanitation	Services/Supplies	3,025,984	2,767,140	91%
Public Parking	Services/Supplies	240,982	179,554	75%
	Capital Outlay			
Stormwater Mgmt	Personnel Services	377,365	316,052	84%
	Services/Supplies	634,804	326,360	51%
	Capital Outlay	492,000	157,241	32%
Total Enterprise Funds		<u>29,645,661</u>	<u>15,594,478</u>	<u>53%</u>
Kootenai County Solid Waste		2,000,000	1,856,212	93%
Police Retirement		249,170	212,027	85%
Cemetery Perpetual Care		101,500	91,142	90%
Jewett House		35,338	13,947	39%
Reforestation		54,000	7,695	14%
Street Trees			66,418	
Community Canopy			375	
CdA Arts Commission		5,700	6,730	118%
Public Art Fund		25,000	19,004	76%
Public Art Fund - LCDC		61,000	1,729	3%
Public Art Fund - Maintenance		4,000	3,424	86%
Fort Sherman Playground		2,000	1,939	97%
KMPO		480,000	243,415	51%
Business Improvement District		126,000	115,000	91%
Homeless Trust Fund		4,000	3,174	79%
Total Trust & Agency		<u>3,147,708</u>	<u>2,642,231</u>	<u>84%</u>
TOTALS:		<u><u>\$71,317,159</u></u>	<u><u>\$51,131,581</u></u>	<u><u>72%</u></u>