

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

**FEBRUARY 7, 2012**

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room February 7, 2012 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

**INVOCATION:** The invocation was led by Pastor Ron Hunter, Church of the Nazarene.

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

**PUBLIC COMMENTS:**

ANIMAL CONTROL CITATION: Susan Manthey, 2108 N. 11<sup>th</sup> Street, commented that she was cited for her dog barking and the Police Department then arrested her because her neighbor had signed a complaint regarding her dog barking. She requested that the Council amend MC 6.15.050 to prevent other people from signing complaints and thus having other people arrested.

SNOW ON SIDEWALKS: Roy Wargi, 2022 E. Coeur d'Alene Avenue, has 310 feet of sidewalk and driveway that he is to keep clear from snow. The City's snowplow moves the snow from the street back onto his sidewalk and his personal snowplow/mower broke and it will cost him \$9,000 for a new plow/mower and he would like the City to reimburse him for it. Mayor Bloem recommended that the Street Superintendent contact him.

MCEUEN PLAN: Dave Walker, 1055 Brooklyn, questioned what happened to the Committee of Nine's recommendations for McEuen Park Plan. Councilman Goodlander responded that as with other plans it was accepted as a concept and as times change, things change. She did note that the 7 values that were established have been carried through to today. He commented that he believes that the Committee of Nine's Plan was "stuffed in a drawer" and does not appreciate it that the plan that he was a part of has not been addressed and believes that the Council has "railroaded" the community with very little public input into the current McEuen Plan. He believes that the Council should begin again and hold public input workshops similar to what his group had done. Mayor Bloem noted that the McEuen plan that he is referring to includes the

removal of the boat ramp, removal of the Legion Baseball field, removing the parking lots from their current location. She did note that contrary to Mr. Walker's comments that there was a large amount of public input into the current plan. Councilman Edinger noted that at this time LCDC has come forward to fund the improvements whereby the Committee of Nine's plan did not have funding.

**PRESENTATION: PROTECTIVE HOLD PROPOSAL:** Commissioner Jai Nelson presented her proposal for a District 1 Mental Health and Intoxication Center noting that last year it cost the County approximately \$381,000 to house protective holds at the hospital. She believes that this county has an insufficient means of dealing with the individuals placed in a protective hold by placing them at Kootenai Medical Center. She is proposing that the northern counties including the Coeur d'Alene Tribe, the city of Post Falls and the city of Coeur d'Alene participate in the construction, operation, and maintenance of a stand-alone facility next to Kootenai Medical Center. She noted that currently the County has the obligation to provide protective holds; however, by having the cities participate in the cost it would alleviate the burden on the County budget. Claudia Miewald, presented the proposed facility and the results of a Steering Committee that predicts that 40 people a month would utilize this facility. She commented that 70% of the police holds are from Coeur d'Alene and 10% are from Post Falls. Councilman Kennedy clarified that these figures are derived from Police bookings and that just because the City may place a person in hold that person may come from outside cities and the county. Councilman McEvers also noted that their reference to the City also includes the County Sheriff's Department's holds. Ms. Miewald noted that the facility would be staffed by Kootenai County employees. She noted that the annual cost would be approximately \$378,451 or a daily rate between \$173/day up to \$769 per day. She also reported that it is the vision to expand the protective hold facility into a longer term rehabilitation facility. She noted that one of the benefits would be less law enforcement/EMS transport cost and overtime. Barry Black, Kootenai County Attorney's Office, expressed that he has long had a desire to create such a facility. Commissioner Nelson noted that this would be a regional facility and the County has applied for grants. She also noted that the only cities contacted for supporting this are the cities of Post Falls and Coeur d'Alene and not the cities of Dalton Gardens, Hayden, Hayden Lake, Rathdrum or any other city in Kootenai County. As for partnering in the cost, she noted that this would be a future discussion. She commented that they would charge the City more if the City does not agree to participate in this proposal. Councilman Kennedy asked if a Joint Powers board would be developed for all participating partners and Commissioner Nelson concurred.

**CONSENT CALENDAR:** Motion by Goodlander, seconded by Edinger to remove Consent Calendar Item 6 from this agenda and place it on the next Public Works Committee agenda. Councilman Goodlander commented that she would like to have the bid awarded to a local business versus the low bidder. Motion carried.

Motion by Kennedy, seconded by Goodlander, to approve the Consent Calendar with the removal of Item 6.

1. Approval of minutes for January 17, 2012.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, February 13<sup>th</sup> at 12:00 noon and 4:00 p.m. respectively.

3. RESOLUTION 12-002: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF DALTON GARDENS FOR COST SHARING OF GOVERNMENT WAY SEWER FACILITIES; AUTHORIZING THE DESTRUCTION OF CERTAIN TEMPORARY RECORDS FROM THE MUNICIPAL SERVICES DEPARTMENT; AND AWARD OF BID AND APPROVAL OF A CONTRACT WITH MDM CONSTRUCTION, INC. FOR THE GOVERNMENT WAY WATER SYSTEM IMPROVEMENTS.
4. Setting of public hearing for V-12-1 – vacation of public right-of-way in Kootenai Addition for March 6, 2012.
5. Approval of beer license for Trickster's Brewing Company at 3850 N. Schreiber Way
6. ~~Approval of budgeted vehicle purchases for Water Department~~
7. Approval of cemetery lot repurchase from Pattie Singer.
8. Setting of public hearing for SP-2-12 – appeal of a denial of special use permit for 219 Coeur d'Alene Lake Drive for March 6, 2012.

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

**COUNCIL COMMENTS:**

COUNCILMAN KENNEDY: Councilman Kennedy reported that several Council members and staff met in Boise last week for the Annual AIC Day at the Capital. He noted after his discussion with Finance Director Troy Tymesen, he would recommend that the accounts payable reports be posted on the City's web. Mr. Tymesen reported that staff could put the Bills to Council on the web site in a .pdf format as a response to proposed legislation that has been submitted during this legislative session. Councilman Kennedy also noted that there is proposed state legislation on texting while driving.

COUNCILMAN EDINGER: Councilman Edinger found out that Ken Finney had surgery and he wished him a speedy recovery.

COUNCILMAN ADAMS: Councilman Adams reported that he had gone to Boise as well. He also had met with Recreation Director Steve Anthony who gave him a tour of some of the facilities used by the Recreation Department.

COUNCILMAN GOOKIN: Councilman Gookin reported that he went to Boise and during the past two weeks he has met with Mr. Ingalls, met with the Water Department, and took a tour of the Police Department. He also attended the Development Review Team meeting and did the KVNI radio show on Tuesday. He also sat in on the CDA TV Committee and he was very impressed with that Committee.

**APPOINTMENT TO NATURAL OPEN SPACE AD HOC COMMITTEE, ARTS COMMISSION, PERSONNEL APPEALS BOARD AND CDA TV COMMITTEE:**

Motion by Goodlander, seconded by Kennedy to appoint John Bruning to the Natural Open

Space Ad Hoc Committee and the Arts Commission, to re-appoint Kelly Ostrom to the Personnel Appeals Board, and re-appoint Jim VanSky to the CDA TV Committee. Councilman Gookin believes that John Bruning is already serving on two committees and, therefore, will vote against him being appointed to these two committees. Mayor Bloem noted that the two committees the John Bruning is currently a member of, as mentioned by Councilman Gookin, are ad hoc committees and not standing committees. Motion carried with Gookin voting no.

**ADMINISTRATOR'S REPORT:** Deputy City Administrator Jon Ingalls announced that last weekend the Coeur d'Alene Fire Department had a number of its members attend an Ice Rescue class on Hauser Lake. This last Saturday marked the commencement of the Idaho POST Academy Reserve Class, which runs through May of 2012. This is the first year we have tapped into the Idaho Education Network to join this class. The Reserve Academy will save the city thousands in instructor costs, coordination manpower, and overtime that it normally pays every year to conduct the training. The city's Arts Commission is seeking artists to participate in its "ArtCurrents" program, now approaching its second year. Information packets are available at City Hall, 710 E. Mullan Avenue, or online at [www.cdaid.org](http://www.cdaid.org). Artist proposals are due by 5:00 p.m., April 16, 2012. Artists who are interested in participating are encouraged to contact Steve Anthony, Arts Commission Liaison, at 769-2249. Our congratulations go to Steve Anthony on his induction into the American Softball Association's (ASA) Northwest Region Softball Hall of Fame. The City of Coeur d'Alene is both honored and fortunate to have a "Hall of Famer" serve as our Recreation Director. The CdA'ART Grant Program is a three-year pilot program of the City of Coeur d'Alene Arts Commission beginning in 2011. As a flexible small awards program, it aims to encourage innovative ideas, respond to one-time opportunities, and create new access for individuals and groups not served by other programs. To apply for a CdA'ART Grant, visit the City of Coeur d'Alene website at [www.cdaid.org](http://www.cdaid.org), and click on Public Art. For additional information, please call Hall of Famer Steve Anthony at 769-2249. Our local Arbor Day Committee announces an art contest to design a button for 2012 Arbor Day celebrations. Now in its 16<sup>th</sup> year, the contest is open to middle school and high school students who live within the Coeur d'Alene, Post Falls, and Lakeland School Districts. Winning art will be featured on a button that will be distributed, along with tree seedlings, at Arbor Day events in late April. Information about the contest is available at the Coeur d'Alene Parks Department. We will celebrate Arbor Day on April 27<sup>th</sup>. For more information, contact the city's urban forester, Karen Haskew, at 769-2266. Building Services Director Ed Wagner was elected to the position of President of the Idaho Association of Building Officials (IDABO). Fire Chief Kenny Gabriel was recently appointed by the Director/State Forester of the Department of Lands to serve as a member of the Idaho Land Resources Council. "The Lincoln Lawyer," will screen March 1<sup>st</sup>, at 7:00 p.m., at the Coeur d'Alene Public Library as part of the "Moving Books" series of films based on literature. At the Coeur d'Alene Public Library tomorrow, February 8<sup>th</sup>, at 7:00 p.m., "Star Trek: The Future Begins," will be screened in the Community Room at the library. "Dig It!: A Fresh Look at Archaeology", the series, presented by Haley Cohen, will be offered at the Coeur d'Alene Public Library, on Thursdays, February 9, 16, and 23, at 7:00 p.m. in the Community Room.

City Attorney Gridley reported that a local attorney has filed several lawsuits (9 cases) of which 3 were thrown out, 5 have gone to jury trial and in all five cases the jury found no misconduct by the Police Department. He noted that we have one left to go.

ORDINANCE NO. 3428  
COUNCIL BILL NO. 12-1003

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF PUBLIC ALLEY IN THE TAYLOR'S PARK SUBDIVISION, SITUATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, RECORDED IN BOOK "B" OF PLATS, PAGE 90, RECORDS OF KOOTENAI COUNTY, GENERALLY DESCRIBED AS A PORTION OF THE PUBLIC ALLEY ADJOINING LOTS 16 & 17, BLOCK 2 OF SAID SUBDIVISION, 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 Kennedy, seconded by Edinger, to pass the first reading of Council Bill No. 12-1003.

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

Motion by Goodlander, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 12-1003 by its having had one reading by title only.

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

**PUBLIC HEARING – ZC-4-11 – ZONE CHANGE FOR NORTH IDAHO COLLEGE CORRIDOR:** Mayor Bloem read the rules of order for this public hearing. No conflict of interest was declared. Dave Yadon, Planning Director, gave the staff report.

Mr. Yadon gave the applicant's name as North Idaho College, the location as the Education Corridor and the request as a zone change from existing C-17L and LM to C-17.

He went on to give the staff analyses for zoning, Comprehensive Plan, neighborhood characteristics and utilities. He noted that this area has created a Planned Unit Development which controls the zoning and limits the types of uses. Mr. Yadon noted that on November 8, 2011 the Planning Commission voted to recommend approval of the requested zone change. He reported that on December 30, 2011 a total of 17 notices of this public hearing were mailed with 6 responses being received - 2 in favor and 4 neutral. Written comments were distributed for Council review.

**PUBLIC COMMENTS:** John Mueller, 210 E. Lakeside, representing the applicant, clarified that the height requested in the PUD on the shorelines is to build up the sidewalk. Mr. Mueller reviewed how the campus has developed over the last 45 years. The proposed zone change and PUD is the next step in the expansion of the Education Corridor. He reported that the requested zone change is to accommodate the building height that is needed for the campus expansion and

in particular building parking garages to help resolve some of the parking issues that the college currently faces. He explained the options approved in the PUD are to provide for the construction of both near term and long term uses. He described the proposed connectivity between the existing campus and the education corridor campus.

Councilman Gookin asked why the C-17 zoning was requested. Mr. Mueller responded it was due to the building height allowed in a C-17 zoning. Dave Yadon responded that the zoning requested also affects the allowed uses; however, another zoning would not alter the use of the PUD. Councilman Gookin questioned the impact of the shoreline regulations and the impact of the parking garage regarding the view of the lake for the neighbors to the north of the structure. Councilman Gookin also commented that at a recent Fort Grounds Homeowners Association meeting they addressed the issue of the alleys and the association would not want any alleys removed. Mr. Mueller responded that the plan does not call for vacation of alleys in the residential areas only within the education corridor. Councilman Gookin also expressed his concern of the height of the parking garage that has a 0 lot-line setback. Councilman Goodlander asked about putting a parking garage to the south in the location of the parking lot just south of River Avenue. Mr. Mueller responded that would require a separate zone change request and that was an issue which was proposed about 10 years ago and was suggested as a possible option. Councilman Edinger asked how many homes would be affected on Military Drive. Mr. Mueller responded that there are 15 homes; however, the college owns approximately 6-7 of those homes. Councilman Adams stated that the funding for the purchase of the Education Corridor property resulted in a law suit and that this purchase was against the Idaho Constitution and thus asked what the funding source would be for the Education Corridor. City Attorney Gridley clarified that the lawsuit was thrown out and the financing process did not violate the Constitution as alleged by Councilman Adams.

Councilman Kennedy asked about ex-parte communication. City Attorney Gridley clarified that any information received outside of this hearing is considered ex-parte communication if it would influence a Councilman's decision and should be so noted.

**MOTION:** Motion by Kennedy, seconded by McEvers to approve the requested zone changes from C-17L and LM to C-17 within the Education Corridor campus and to adopt the Findings and Order of the Planning Commission.

**DISCUSSION:** Councilman Edinger noted that he is in favor of the education corridor but he expressed his concern regarding the eastern parking garage as it could impact the views and vistas of the neighborhood. Councilman Adams expressed his belief that his constitutional right to vote on the funding of this project has been violated and therefore will vote against this zone change. Councilman Gookin voiced his concern of the shoreline regulations and the impact to the alleyways as a result of the eastern parking garage abutting the residents along North Military Drive. Mayor Bloem commented that the public has requested access to the public water and the proposed development would accommodate that. Councilman Edinger reiterated that there would be no commercial uses developed outside the normal activities of a college.

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

**RECESS:** Mayor Bloem called for a five-minute recess. The recess began at 8:55 p.m. The meeting reconvened at 9:00 p.m.

**PUBLIC HEARING – 2012 CDBG ANNUAL ACTION PLAN:** Mayor Bloem read the rules of order for this public hearing. Renata McLeod, Project Coordinator, gave the staff report.

Mrs. McLeod reported that the City of Coeur d'Alene receives a direct allocation of HUD Community Development Block Grant (CDBG) funds. Each year the City is required to complete an annual action plan in accordance with the adopted citizen participation plan. The Action Plan document is intended to be an outline regarding how the City intends to spend the CDBG funds, as well as, fulfill the program reporting requirements. A public comment period was held from January 2, 2012 through February 2, 2012. A public workshop was held on January 18, 2012 at 5:30 p.m. at Fire Station No. 3. One person attended the public workshop and did not provide any comments.

Holly Holly explained the City's Consolidated Plan and the objectives and goals of that plan and the goals that have been met to date.

She noted that the Plan Year 2012 allocation will be \$262,325, which is \$123.00 less than the amount anticipated at the beginning of the public comment period. She then reviewed the proposed budget for 2012. She then reported that some minor changes have been made to the Action Plan since the thirty-day public comment period which are as follows:

1. North Idaho Housing Coalition clarification of "family served" changed from 80%-120% to 50%-120% based on the public comment
2. Corrected budget figure, as notification of allocation was provided by HUD during the public comment period, which is amended to reflect \$123.00 less than anticipated
  - a. Administration cap of 20%, reduction of \$24.00
  - b. Land acquisition of 106 Homestead, reduction of \$99.00

**COMMENTS:** Councilman Kennedy asked if these funds could be used for the protective holds facility. Renata McLeod noted that these funds cannot be used for general government functions. Councilman Adams commented he believes that these funds have allowed the City to become landlords. Mrs. McLeod noted that the rentals are administered by St. Vincent DePaul. Councilman Gookin believes that we are competing unfairly with rental facilities. He also believes that it is not correct for the City to have used the self-insurance fund to purchase low-income rental facilities and the city is undermining private rental businesses. Councilman Kennedy noted that at the time these low-income rentals were created, private property owner rentals were not addressing low-income rentals.

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

**MOTION:** Motion by Goodlander, seconded by Kennedy to approve CDBG Action Plan for Plan Year 2012 funding.

**DISCUSSION:** Councilman Gookin believes that the Federal Government is broke and they are spending money on this program that they don't have. He also has concerns regarding the St. Vincent DePaul's agency receiving all the funding and the City is not funding other agencies. Councilman Edinger asked if any other group has requested funding. Mrs. McLeod responded that several other agencies have received funding including The Senior Center and Habitat for Humanity. Councilman Kennedy also noted that there are 19 different agencies housed at the former Library Building not just St. Vincent DePaul. Mrs. McLeod also noted that the North Idaho Housing Coalition will be receiving funds this year. Councilman Goodlander commented that by housing the 19 different agencies in one building it provides greater access to those who need these services. Councilman Goodlander also noted that several low income families have received assistance from this program for minor home repairs that they could not otherwise afford. Councilman Gookin commented that he has nothing against St. Vincent DePaul but rather with the City in that the City appears to be biased in favor of St. Vincent DePaul and believes that the city should not be picking their favorites. Councilman McEvers has thought it was always weird that the City would receive Federal dollars to help needy people but then the Federal Government has a lot of strings attached to those funds. Councilman Adams also believes that the Federal Government is broke but believes that the City could facilitate rallying the community to raise the funds for this very purpose and thus would not need these Federal Funds.

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

**EXECUTIVE SESSION:** Motion by Goodlander, seconded by McEvers to enter into Executive Session as provided by I.C. 67-2345 §F: To communicate with legal counsel for the public agency to discuss legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated; 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 imminently likely to be filed.

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

The Council entered into Executive Session at 9:40 p.m. Those present were the Mayor, City Council, City Administrator, City Attorney, and Deputy City Attorney.

Matters discussed were those of attorney/client privilege and a claim submitted by Dela Cruz. No action was taken and the Council returned to its regular session at 9:51p.m.

**DELA CRUZ CLAIM:** Motion by Goodlander, seconded by Gookin to approve the payment of \$10,000 in the Dela Cruz claim. Motion carried.

**ADJOURNMENT:** Motion by Goodlander, seconded by Adams to recess this meeting to February 9, 2012 at 12:00 noon in the City Hall former Council Chambers for a Stormwater



Utility workshop and then recess to February 14<sup>th</sup> at 12:00 noon for a Planning Update workshop. Motion carried.

The meeting recessed at 9:53p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan Weathers, CMC  
City Clerk