

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM,
APRIL 21, 2009

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene Library, April 21, 2009 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

| | | |
|-------------------|---|----------------------------|
| Al Hassell |) | Members of Council Present |
| Mike Kennedy |) | |
| John Bruning |) | |
| Deanna Goodlander |) | |
| Loren Ron Edinger |) | |
| Woody McEvers |) | |

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

INVOCATION was led by Pastor Dick Hege, Coeur d'Alene Bible Church.

PLEDGE OF ALLEGIANCE: Councilman Goodlander led the pledge of allegiance.

PROCLAMATION – CELEBRATION OF ARBOR DAY WEEK: On behalf of Mayor Bloem, Councilman Goodlander read the proclamation designating the week of April 20th at Arbor Day celebration in the City. Urban Forestry Student Representatives Katy Hudson and Christina McCullough accepted the proclamation, outlined the planned activities for the week, and distributed an Arbor Day button to each Councilman.

PRESENTATION – CONNECTING LEARNING TO LIFE: Sharon Strand, Associate Professor at Lewis and Clark State College through the RN Bachelor of Science program presented an overview of their “connecting learning to life” project that they completed at St. Vincent DePaul. She noted that they are always looking for community service sites for the students to complete their “Connecting Learning to Life” projects. Councilman Bruning, on behalf of the Board of Directors at St. Vincent DePaul, thanked Professor Strand for her work at St. Vincent DePaul.

PRESENTATION – 2007-2008 FINANCIAL AUDIT: Tony Hackwith with the accounting firm of Magnuson McHugh & Company presented their findings of the recently completed city financial statement audit for fiscal year 2007-2008. She announced that the City received an unqualified or clean opinion of the financial practices done by the City. Finance Director Troy Tymesen noted in the General Fund that although the expenditures in 2007 and 2008 appear to be over the revenues, the City had set aside funds for one-time payments for the Kroc Center and the new library. He also noted that in 2008, management tightened their belts and thus the City has a manageable fund balance for the coming year.

BOY SCOUT TROOP INTRODUCED: Councilman Hassell introduced Coeur d'Alene Boy Scout Troop No. 3 who was in attendance at tonight's meeting as part of their effort in obtaining a Communications badge.

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

CONSENT CALENDAR: Motion by Kennedy, seconded by Edinger to remove Item 3e (Contract for Tubbs Hill Tours) from the Consent Calendar. Motion carried.

Motion by Goodlander seconded by Edinger to approve the remaining Consent Calendar items as presented.

1. Approval of minutes for April 7, 2009.
2. Setting General Services Committee and Public Works Committee meetings for April 27th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 09-017: 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 DECLARATION OF SURPLUS PROPERTY – 3 CITY VEHICLES; DECLARATION OF SURPLUS PROPERTY – CERTAIN COMPUTER HARDWARE; APPROVAL OF AN ENCROACHMENT AGREEMENT WITH COEUR D'ALENE GARDEN AND GALLERY, INC.; APPROVAL OF A REVOCABLE LICENSE WITH CECIL AND CAROL WILLIAMS TO CROSS PUBLIC PROPERTY WITH AN RV; AWARD OF CONTRACT TO ROW ADVENTURES FOR TUBBS HILL TOURS AND LAKE COEUR D'ALENE KAYAKING TOURS; APPROVAL OF SS-12-08 – FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENTS AGREEMENT FOR PEREIRA, 2ND ADDITION; AWARD OF BID AND APPROVAL OF CONTRACTS WITH ZENON ENVIRONMENTAL CORPORATION & BLUE WATER TECHNOLOGIES INC., FOR THE PRE-PURCHASE OF WWTP LOW-PHOSPHORUS PILOT FACILITY EQUIPMENT AND APPROVAL FO THE ANNUAL USLA LIFEGUARD TRAINING AGREEMENT WITH THE CITY OF HAYDEN.
4. RESOLUTION 09-018: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO REPEALING RESOLUTION NO 07-037, WHICH ESTABLISHED A NO PARKING / TOW AWAY ZONE DIRECTLY ADJACENT TO THE FEDERAL COURTHOUSE BUILDING.
5. RESOLUTION 09-019: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM.
6. Approval of free horse-drawn carriage rides in the Downtown area.
7. Approval of bills submitted and on file in the City Clerk's office.
8. Approval of Findings and Order for ZC-1-09 – zone change at US 95 and Hanley Ave.
9. Approval of beer/wine license for Rocking Robin Café at 3650 Government Way.

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

CONSENT CALENDAR ITEM 3E – TUBBS HILL HIKING AND LAKE COEUR D’ALENE KAYAKING TOURS: Peter Grubb, 1394 S. Kicking Horse Lane, owner of ROW, submitted a proposal for conducting hiking tours on Tubbs Hill and kayaking tours on Lake Coeur d’Alene. He noted that the agreement will be to allow two groups a day to take tours for two months of the year. He believes that by doing guided tours of Tubbs Hill it will create a better understanding of the eco-system of the hill. He noted that there is a need for guided tours of Tubbs Hill as recommended in the Parks Master Plan that was created last year. He also agrees that he does not want to commercialize Tubbs Hill. In summary tonight’s decision is to approve a trial permit from a May-September time period and for no more than 12-14 people in a group, and not the commercialization of Tubbs Hill.

Councilman Kennedy believes that the pilot project was to be for July and August. Doug Eastwood did not recall exactly what the time frame was but recommended May through September to be in line with the concessions available on other city property.

Linda Wright, 328 S. 15th Street, spoke in opposition to any tours on Tubbs Hill. She believes there are enough people on Tubbs Hill now and we do not need to bring more people to the hill. She noted that she had circulated a petition and had collected over 900 signatures. She commented that free guided tours are being organized by the City Fire Department so there is no need for paid tours.

Councilman Kennedy commented that he received a call from a resident that did not sign the petition because she believed that the petition was not presented in the way in which the proposed tours will be conducted but rather in an alarmist view. Ms. Wright read the petition for clarification. Councilman Kennedy noted that he had learned that people are already giving tours on Tubbs Hill, so if Peter and ROW did not come forward, they would not be any different from those who are currently giving paid tours. Ms. Wright responded that she believes that his tours would be different in that they would be permitted to do so. She also believes that it would be okay to have commercial photographers use Tubbs Hill. In regard to having yoga classes in city parks she sees that as beautiful and she will be holding her stride class at City Park this year.

Ruth Spencer, 1380 E. Elderberry Circle, voiced her concern that although she does not see a food cart on Tubbs Hill, she has a concern of permitting a commercial activity on Tubbs Hill. She also believes that people will have to move over when encountering the tour groups and that is not fair. She opposes commercialization of Tubbs Hill in that allowing one commercial activity on Tubbs Hill is betraying the public trust.

Roberta Manley, 3855 N. Honeysuckle Drive, commented that her brother-in-law, Art Manley, dearly loved Tubbs Hill. She believes that it takes time to enjoy Tubbs Hill and a tour would not allow this to happen.

Josette Shults, 5552 W. Highland Drive, Coeur d’Alene, commented that she would thank God for her ability to walk Tubbs Hill. She believes that Tubbs Hill was not intended to be for commercial tours and was paid for by the citizens of Coeur d’Alene. She believes that City Park and City Beach are overrun with tourists. She believes that a

guided tour would create an obstruction to others walking the hill. She suggested that ROW find another location for their tours as all tours do not have to be downtown.

Dave Konigsberg, 1716 N. 7th Street, noted that in national parks it is private business that operates the concessions, guides, etc. and as an employee of ROW he sees his company as a partner with the Parks Department. He believes that with the responsibility of ROW they will leave the hill cleaner than those who currently use the hill. He asked the Council to consider the one-year trial as it would bring a valuable asset to the community.

Monica Donegan, 7327 W. Highland Drive, Coeur d'Alene, believes that Tubbs Hill is for the residents of Coeur d'Alene and it should not be called a park but rather a natural reserve and should be protected as such. She believes that the natural habitat should be preserved and any commercial endeavor would undermine that.

Barbara Fillmore, 1215 E. Lakeshore Drive, believes that if you put the kayaks at the 12th Street Beach on East Lakeshore there would not be any room left for the beachgoers. She had done tours with ROW but believes that we need to stand as stewards of the area. She believes that the hill is already congested with locals and visitors and we need to oppose this endeavor.

Terry Brenton, 1319 Front Street, commented that ROW's precedence requesting to provide these tours demonstrates a non-understanding of the sacred nature of Tubbs Hill.

Joseph Roberts, 1010 E, Garden Street, believes that Tubbs Hill is something that the residents feel passionate about and feels that one tour group could not be allowed without allowing other tour groups. He noted that Tubbs Hill allows dogs on the hill and having a group as large as being proposed it will make the dogs uncomfortable. He believes that the hill is unique in that it is not a manufactured park.

Emily Holloway, 803 Front Street, spoke in opposition to allowing the guided tours. She noted that Tubbs Hill already has 1,000-2,000 people on the hill today and a 15-person tour would be too much.

Elizabeth Brinton, 1310 Ash Ave., believes that the 12th Street beach is already congested and there is not enough room for the kayaks. She believes that there is a safety issue at this beach. She sees Tubbs Hill as one of the last places where someone could find solitude.

Scott Shellman, 2192 E. Grand View Drive, recently visited Oregon and did a guided tour for snowshoeing. Having grown up here, he thought he knew about flora and fauna but this tour showed him more than he realized. He believes that the ROW tour would provide that same educational value for Tubbs Hill. He believes that sharing our natural resource with the tourists will help them preserve the quality of the water and Tubbs Hill. He noted that the tour group size is for up to 14 people but believes that the group size will be smaller and could be only 3 people. He commended ROW for approaching the City before doing the tours as he knows for a fact that there are other companies doing tours without permission.

Jason Wayne, 522 E. Foster, as a previous guide, does not see guided tours on Tubbs Hill as a way to ruin. He believes that guided tours will educate the people to help protect Tubbs Hill. Guided tours energize those people to help protect our natural resources. He encouraged the Mayor and Council to consider permitting the guided tours on Tubbs Hill.

Melody Brenton, 1319 Front Street, opposes having commercial tours on Tubbs Hill as it will open the door for other commercial activities.

Mary Ayers, 1307 Ash, expressed her concerns of having kayakers coming into the 12th Street beach as they will crowd the people out. She commented that when she kayaks she takes one or two kayaks, not 14 at one time.

Parks Director Doug Eastwood explained how the idea of guided tours began. He commented that the issue has been discussed several times over the past several months. He had originally received a request from Peter Grubbs and Peter has met with the Tubbs Hill Foundation twice who gave their approval on the concept. He then met with the Parks and Recreation Commission in both a workshop setting and at a regular meeting. He then went to the General Services Committee to present ROW's proposal. The Council then approved advertising for RFPs for a one-year trial of guided tours. He noted that several of our parks have seen changes as we continuously evaluate the usage of our Parks including Tubbs Hill. He recalled that one concept was conducting a prescribed burn on Tubbs hill which met with initial opposition. He recalled that when the devastating ice storm hit there were helicopters logging these down trees off Tubbs Hill and many people felt a logging operation would have ruined Tubbs Hill. Trail improvements, bridge repairs, trail widening, have all met with resistance. He does not believe that ROW will have a negative impact on Tubbs Hill and will not open the door for other commercial activities. He noted that Tubbs Hill is not a true natural park, as the Parks crews have made the trails, built the bridges, and constructed the retaining walls. Education, he believes, is the best means of preserving Tubbs Hill. Today, people are picking flowers and removing natural flora from Tubbs hill and guided tours would inform people of better park practices. ROW would not be doing anything different than what city staff currently does; however, the City does not have the manpower to continually conduct tours and thus ROW would provide that service. He noted that the hours of the tours were moved to an earlier time. He commented to the question "Can we say no to someone else?" that, yes the City can, similar to what we do with the food concessionaire at City Park.

Councilman Goodlander noted that a part of previous discussions was that people currently use our city parks for commercial profit and this type of agreement would help regulate this type of activity. Doug responded that currently if there was a conflict with these commercial users the Parks Department would hear it on a complaint driven basis. He believes that the only way we can regulate it is to manage the commercial usage of public parks. He believes that this one year trial will allow us to see if this will help manage the commercial use of city property.

Councilman Hassell noted that currently there are commercial tours being conducted on Tubbs Hill and with this agreement wouldn't it eliminate the other commercial activities. He noted previously the City had allowed several concessionaires at City

Park and the City went to one concessionaire which ended a lot of the conflict in City Park. Doug Eastwood agreed that if we don't manage what is going on out there, it will only grow.

Councilman Edinger noted that he had been involved in purchasing Tubbs Hill and the name Art Manley was mentioned and he knew Art pretty well and agrees with what Mrs. Wright said that Art would not have approved commercializing Tubbs Hill, nor would Scott Reed or Dr. Fox. Another individual was former Parks Director Red Halpern and Councilman Edinger had spoken with his widow today who commented that Red was 100% opposed to any commercialization of Tubbs Hill. Several years ago, the City Council, the Coeur d'Alene Jaycees, and other groups organized to purchase Tubbs Hill to get it away from Idaho Water Company. He noted that other areas were offered but they focused on Tubbs Hill and for the past 30 years that he has been on the City Council, Tubbs Hill has been a treasure for him and his family. He noted that at the Tubbs Hill Foundation meeting he voiced his concern of commercializing Tubbs Hill. He believes that anyone who has lived here any length of time knows you have to respect and cherish certain things, Tubbs Hill and McEuen Field are two of those things and, again, he does not believe that Art Manley would be in favor of commercializing Tubbs Hill. He does not want any commercialization on Tubbs Hill as it is a landmark and a treasure of this community and once you start screwing around with treasures you will begin to lose that treasure and as long as he is above ground he will fight to keep those treasures.

Councilman Kennedy is not on the General Services Committee or the Tubbs Hill Foundation or the Parks and Recreation Commission and all his information comes from committee reports and staff reports, He had asked if Tubbs Hill was such a special resource that it requires special consideration from other parks and the answer he received was yes. He did not know Art Manley well, but he knows he loved Tubbs Hill. He had received a letter from Kootenai Environmental Alliance who were generally supportive of ROW but noted that any additional effort for commercial endeavors on Tubbs Hill would be a concern. Councilman Kennedy also believes that if it was anyone else other than ROW that offered these tours he would be voting no for the tours. So, he is going to vote no on this request and not because of ROW but because citizens have voiced that Tubbs Hill is a precious resource for them and we need to protect it.

Councilman Bruning thanked everyone who came tonight and voiced their concerns. He noted that there have been seven meetings on this item. As with Councilman Edinger he is very concerned about Tubbs Hill. He does look at it a little differently in that he knows that commercial tours are currently being conducted on Tubbs Hill, so he looks at the management side of it and he sees this as controlling what is going on, on Tubbs Hill. He does not feel that this would lead to other commercial endeavors on Tubbs Hill. He does have a concern with the kayaks on Sanders Beach. He noted that this would be a one-year trial and knows that Doug Eastwood and his crew will closely monitor these activities. He hopes that there is a way to lessen the impact on the beach at 12th Street. He noted that having been in land management his whole career he knows that managing it is the best way to preserve it.

Councilman McEvers has heard a lot of interesting things such as this is the last refuge, pure nature, no traffic, the solitude, and the passion that was expressed tonight was

overwhelming. He heard about protecting the hill and what has been done to protect it. For him, the bottom line is setting a precedent and he believes that this would perpetuate itself and it could come back to bite the City. On a final note, he questioned if we really needed to do this, and he does not believe so.

Councilman Goodlander noted that she was raised at 1111 Front Avenue and she was raised on Tubbs Hill. She heard the people say that Tubbs Hill is important and that we need to preserve it. She believes that when we have committees and commissions who are volunteers making decisions and recommendations to Council it has always been her feeling that she needs to follow what they say; however, tonight with the public's outcry, she initially thought she needed to follow the recommendations but tonight she is going to change her vote to no.

MOTION: Motion by Kennedy, seconded by Edinger to reject the proposed agreement with ROW for kayaking and hiking tours on and around Tubbs Hill.

DISCUSSION: Councilman Hassell asked if Council was going to include any tours on Tubbs Hill in the motion. Councilman Kennedy believes that tonight they just need to deal with the request at hand and would like to have some study and research to create some preservation regulations for Tubbs Hill. He would also strongly recommend that Peter Grubb be placed on this committee.

ROLL CALL: Edinger, Aye; Hassell, No; Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Bruning, No. Motion carried.

Mayor Bloem noted that she did not want to have this contract from the beginning. She commented that the only way to change a space is to get to know it better and to value it. She believes that our predecessors knew the value of Tubbs Hill. She also commended Peter Grubb for doing the right thing and coming to the City Council first.

RECESS: Mayor Bloem called for a recess at 8:10 p.m. The meeting reconvened at 8:20 p.m.

COUNCIL COMMENTS:

COUNCILMAN BRUNING: Councilman Bruning thanked everyone who helped clean up the Prairie Trail and Centennial Trail. He noted that over 100 people participated in the clean up efforts. He announced that May is National Bike Month and May 11-16th is Bike to Work week. He announced that the registration for summer boys and girls slow-pitch softball for ages 5-12 will be May 4-15; Co-Ed youth slow-pitch softball for ages 13-15 will be May 18-June5; youth and adult tennis classes will be June 4-12; and the learn to swim registration is from July 5-8.

COUNCILMAN GOODLANDER: Councilman Goodlander reported that the Community Garden is coming along well. She noted that the Parks Department helped by leveling the land and the Water Department is providing opportunities for water saving measures. There are 40 plots for people to garden. Some of the plots are being used so their produce will go to food banks and Lake City Senior Center. She

announced that the grand opening ribbon-cutting will be this Saturday and she extended an invitation to the City Council to attend this ribbon cutting. She has been watching the remodeling at Fire Station 1 and commended the Fire Department as it is looking very nice.

APPOINTMENTS – PLANNING COMMISSION AND ARTS COMMISSION:

Motion by Kennedy, seconded by Edinger to re-appoint Heather Bowlby, to appoint Lou Soumas to the Planning Commission, and to re-appoint Fred Olgram to the Arts Commission. Motion carried.

ADMINISTRATORS REPORT: City Administrator Wendy Gabriel announced 4th Street project bids will be opened on April 28th. The Northshire Park equipment replacement project is back on schedule and it is anticipated that the playground will be ready by April 27th. The swimming buoys are being placed along City beach. Please remember that dogs are required to be on leashes on Tubbs Hill. The Fallen Heroes Plaza construction has begun with completion being anticipated by the end of June. The City has launched a new blog to enhance community awareness and is available through the City’s web site at www.cdavid.org and click on “City of Coeur d’Alene Today”. Councilman Goodlander also reminded people to pick up their dog’s droppings.

COUNCIL BILL NO. 09-1010
ORDINANCE NO. 3358

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, AMENDING MUNICIPAL CODE SECTIONS 12.36.015, 12.36.205, 12.36.235, 12.36.300 AND 12.36.305 TO REPEAL THE DEFINITION OF CUTTING BACK AND DROP CROTCH PRUNING AND ADOPTING A DEFINITION FOR CROWN REDUCTION; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

STAFF REPORT: Karen Haskew noted that the city recently adopted the American National Standards which had not been updated since 1972. She noted that there are some new definitions such as drop crotch pruning is now called crown reduction. Because of these type of changes, this ordinance amends the City’s code to update the ordinance to reflect the newly adopted standards definitions.

Motion by Goodlander, seconded by Hassell to pass the first reading of Council Bill No. 09-1010.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 09-1010 by its having had one reading by title only.

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

COUNCIL BILL NO. 09-1011
ORDINANCE NO. 3359

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 (RESIDENTIAL AT 12 UNITS/ACRE) TO R-17 (RESIDENTIAL AT 17 UNIT/ACRE), SAID PROPERTY BEING DESCRIBED AS A +/- 40,000 SQ. FT PARCEL AT 2903 4TH STREET; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Hassell, seconded by Goodlander to pass the first reading of Council Bill No. 09-1011.

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

Motion by Goodlander, seconded by McEvers to suspend the rules and to adopt Council Bill No. 09-1011 by its having had one reading by title only.

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

PUBLIC HEARING – CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER): Mayor Bloem read the rules of order for this public hearing. Project Coordinator, Renata McLeod, and Nelle Coler from Panhandle Area Counsel gave the staff report.

Mrs. McLeod presented the City's first annual CAPER report for HUD funding. She noted that the report is available on the City's web site and is open for public comments until April 30, 2009. She reported that the City spent 20% of the funds for administration, 52% to increase housing for special needs/homeless, 8% for sidewalk rehabilitation, and 20% for neighborhood revitalization/code enforcement. Nelle Coler reported on the emergency minor home repairs projects have been completed using the HUD funding. She noted that the City had changed this funding from a loan type of program to a grant program. Ms. Coler noted that one of three national objectives must be met by the City, which are - benefit low to moderate income persons, aid in the prevention of slum or blight, or meet an urgent need. Mrs. McLeod also noted that the

City must also have an eligible activity besides meeting the national standards including housing. She reviewed the five goals established by the Council for HUD funding. Mrs. McLeod reported that they had a community meeting last week and had asked those attending for their recommendations on how the money could be spent. She reviewed the top six recommended objectives presented by the group. Ms. Coler presented the proposed 2009 Action Plan for this year's HUD funding. Mrs. Coler noted that they are forming an ad hoc committee to oversee the activities of the HUD funds. Mrs. McLeod reiterated that the public can submit their comments until April 30th to her, Renata McLeod, at City Hall 710 E., Mullan Avenue, Coeur d'Alene Idaho.

Councilman Goodlander noted that before we became an entitlement city we received CDBG funds from the state and asked if this change comes with different criteria. Mrs. Coler noted that the State has the same three criteria as the national criteria requirements.

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

MOTION: Motion by Goodlander, seconded by Kennedy to approve the Consolidated Annual Performance and Evaluation Report and authorize staff to submit the report to HUD. Motion carried.

Councilman Kennedy thanked the people at Panhandle Area Counsel and Mrs. McLeod for all their work on this program and believes that our first year was a success.

EXECUTIVE SESSION: Motion by Hassell, 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 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: Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Bruning, Aye. Motion carried.

The Council entered Executive Session at 8:55 p.m. Members present were the Mayor, City Council, City Administrator, City Attorney and Deputy City Administrator. Matters discussed were those of litigation and claims.

No action was taken and the Council returned to their regular session at 9:20 p.m.

LANGLEY SUIT: Motion by Hassell, seconded by McEvers to settle the Langley law case. Motion carried.

NUNN CLAIM: Motion by Edinger, seconded by Hassell to take no action with the Terri Nunn claim. Motion carried.

ADJOURNMENT: Motion by McEvers, seconded by Hassell that, there being no further business before the Council, the meeting is adjourned. Motion carried.

The meeting adjourned at 9:22 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk