

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D’ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
July 17, 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 July 17, 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
Woody McEvers)
Deanna Goodlander)
Mike Kennedy)
Steve Adams)
Dan Gookin)

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

INVOCATION: The Invocation was led David Warnick, New Life Church.

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

PRESENTATION – CITIZEN RECOGNITION: Fire Chief Kenney Gabriel introduced Firefighter Etherton who presented a Citizen Recognition plaque to 11-year-old Nicholas Jacklin for initiating the call to 911 and reporting a residential fire which resulted in saving the life of the residents. He also honored Ann Brown, Kim Jacklin and Kate Christian who also assisted Nicholas in contacting 911.

PRESENTATION – “MEDAL OF HONOR” RECIPIENT AND RETIREE: Fire Chief Kenny Gabriel presented Firefighter Porter and Captain Halligan with the Medal of Honor that they received from the State of Idaho and announced that the national Firefighter Magazine honored them as top Firefighters of the Year for their rescue efforts of two infants that were trapped in a submerged vehicle in Fernan Lake. Deputy City Administrator Jon Ingalls read a letter from Mayor Bloem that expressed her gratitude for the many years Firefighter Halligan has been a part of our Fire Department, for his service to the community, and congratulated him on his retirement. Mayor Bloem presented Captain Halligan with a silver retirement medallion for all his work with the City.

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

CONSENT CALENDAR: Motion by Kennedy, seconded by McEvers to approve the Consent Calendar as presented.

1. Approval of minutes for June 28, July 3, 2012.
2. Setting of General Services Committee and the Public Works Committee meetings for July 23, 2012 at 12:00 noon and 4:00 p.m. respectively.

3. RESOLUTION 12-028: 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 AN OPERATIONAL MEMORANDUM OF UNDERSTANDING AND 2012-2013 APPARATUS RATES WITH THE IDAHO DEPARTMENT OF LANDS (IDL); AND APPROVING A LOCAL PROFESSIONAL SERVICES AGREEMENT BETWEEN THE IDAHO TRANSPORTATION DEPARTMENT (ITD), CITY, AND J-U-B ENGINEERS, INC. FOR CONSTRUCTION ENGINEERING SERVICES FOR THE GOVERNMENT WAY PROJECT.
4. Authorization to use Asset Forfeiture Funds for the remodel of the ventilation system at the Police Department.
5. Approval of Bills as submitted and on file in the Office of the City Clerk.
6. Approval of cemetery lot repurchase from Eleanor Eastwood
7. Setting of Public Hearing: A-4-12 – Annexation and zoning of property at 1354 Silver Beach Road for August 7, 2012.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN GOOKIN : Councilman Gookin announced that he attended the Executive Team meeting last Thursday, attended a dedication at Sunshine Meadows on Friday, participated in Parks Day Celebration on Saturday, met with Chief Gabriel to review their proposed budget, and attended the Art dedication at the Wastewater Treatment Plant.

COUNCILMAN MC EVERS: Councilman McEvers announced the annual fundraiser skate park event will be held a week from this Saturday.

COUNCILMAN KENNEDY: Councilman Kennedy noted that the Sunshine Meadows ceremony was the dedication of a tree in honor of Karen Haskew, the City's Urban Forester. Karen lost her long battle with cancer and passed away on Monday.

COUNCLMAN GOODLANDER: Councilman Goodlander also commented on Karen Haskew's numerous accomplishments as the City's Urban Forester. She announced that today was the dedication of the artwork at the Wastewater Treatment Plant. She also noted that artwork is planned to be installed in the three roundabouts in the Education Corridor and that the utility box artwork is being placed.

MAYOR BLOEM: Mayor Bloem commented that the employee incident reported last week was discovered by another staff person, and while this is a difficult time for staff, staff will continue to do their best for this community, and she believes that the City continues to be in good hands.

APPOINTMENT – LCDC AND PERSONNEL APPEALS BOARD: Motion by Goodlander, seconded by Kennedy to appoint Justin Druffel to the Lake City Development Corporation and re-appoint Sharmon Schmitt to the Personnel Appeals Board. Motion carried with Gookin voting no.

ADMINISTRATOR’S REPORT: City Administrator Wendy Gabriel announced that at the beginning of the month, Fresh Start clients and directors cleaned trash on Sherman Avenue, Front Avenue, Lakeside Avenue, and the two alleys from 15th Street to 23rd Street. In addition, Dr. Abate and Howard Martinson cleaned the Schedler-Mack Insurance parking lot, front, back, and sides. The Fresh Start neighborhood was nice and clean for the 4th of July Parade. Special thanks to Deputy City Administrator Jon Ingalls for helping to set this program up. A public art dedication ceremony was held this afternoon at the Wastewater Treatment Plant. The artwork entitled “Cleaning Crew” by local artist Allen Dodge, consists of seven larger-than-life welded steel statues of microbes used in the purifying process by the Wastewater Treatment Plant. “Harmony” by local artist Dale Young, is a carved basalt column depicting the elements of sky, earth, and water, and the sense of imbalance between humans and our natural environment. Two-hour parking is now being enforced in the upper parking lot at the Coeur d’Alene Public Library and Coeur d’Alene City Hall (the lot accessed from Front Avenue and Eighth Street). This is being done to assure consistent parking availability throughout the day for library users and for people with business at City Hall. Parking beyond the two-hour limit will result in a \$15 citation. You may have noticed some colorful utility boxes popping up around downtown Coeur d’Alene! The Utility Box Beautification project was commissioned by the Coeur d’Alene Arts Commission and was open to artists, graphic designers, photographers, illustrators, and other creative individuals residing within a 100 mile radius of Coeur d’Alene. The utility boxes, which keep lights flashing and communications running, are undiscovered canvases for artists, graphic designers, photographers, illustrators, and other individuals with the imagination to cover them with their artwork. If you get a chance to come downtown, be sure to check them out. Here’s a tip from the Pedestrian & Bicycle Advisory Committee: Cyclists need to remember to signal their intentions when turning or stopping. This is a courtesy to other bikes or vehicles on the road and can help prevent accidents. The Water Department will be starting a water main replacement project on Emma Avenue between Lincoln Way and Government Way. Some traffic detours may be required during construction but we will strive to minimize the impact to the driving public and to adjoining property owners. This summer’s street overlay program is underway. Please pay attention to signage and detours and allow a little extra time to arrive at your destination. The scope of the projects include the overlay of approximately 37 blocks of city streets including: A, B, C, and D Streets from Milwaukee Drive to Virginia Avenue; Milwaukee Drive from Government Way to Idaho Avenue; Browne Avenue from Government Way to Milwaukee Drive, and Virginia Avenues from Government Way to Lincoln Way. An upcoming special activity in the Seagraves Children’s Library – PajamaRama – part of the Summer Reading Programs at the library – will be a special free family night on Tuesday, July 24th, 6:00 p.m. to 7:30 p.m. A Digital Planetarium will be set up in the Community Room at the library, Thursday, July 26th. Space in the portable planetarium is limited so preregistration is required. Visit the Seagraves Children’s Library to preregister. She also announced that City Departments Heads and staff have a budget workshop with the Council on Monday, July 30th and the public is welcome to attend.

RESOLUTION NO. 12-029

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR FINANCING OF IMPROVEMENTS FOR MCEUEN PARK, WITH THE URBAN RENEWAL AGENCY d/b/a LAKE CITY DEVELOPMENT CORPORATION ITS PRINCIPAL PLACE OF BUSINESS AT 105 N 1ST STREET, SUITE 100, COEUR D’ALENE, ID 83814.

MOTION: Motion by Kennedy, seconded by Goodlander to adopt Resolution 12-029.

STAFF REPORT: City Administrator Wendy Gabriel reported that this is a contract where the City and LCDC outlines the sharing of design costs and construction costs and noted that LCDC will approve the costs to assure payments to the project are in line with the allowable usage of these funds. She noted that weekly meetings will be held every Thursday morning until the project is complete. City's funding will be taken from the Parks Capital Improvement Fund at \$400,000 and from the Parking Fund.

Councilman McEvers asked if there is staff assigned to review any changes orders to the construction phase. Mrs. Gabriel responded that she, Gordon Dobler and Doug Eastwood would review any proposed change orders prior to LCDC review. Councilman Goodlander asked about the cost of the design contract. Mrs. Gabriel also said that the contract is not only for the design but also the construction phase of the project.

MOTION TO POSTPONE: Motion by Adams, seconded by Gookin that further action on this agreement for financing of McEuen Park, Coeur d'Alene, Idaho, be postponed until after the Idaho Supreme Court has issued its final judgment in Brannon v. City of Coeur d'Alene, et al, CV-09-10010 and until after the completion of any action directed by that Court's decision.

DISCUSSION: Councilman Adams noted that the 2009 election had been challenged to the Supreme Court and possible results could end with a new election or call for a new trial. This could result in a different make-up of the Council and thus affect the outcome of this project. Councilman Edinger asked if this delay would affect the McEuen Park Project. Administrator Gabriel said the delay would significantly affect the proposed Park Project.

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

DISCUSSION: Councilman Gookin asked about the \$11.5 million funding from LCDC and what is the basis for this figure since bids have not been conducted. He is concerned that there is no construction plan for this project to determine the actual cost and he also voiced his concern that the normal funding mechanism is through bonds which is placed for a vote of the public. He also questioned the resolution's reference to Ordinance 3337 which amended the Urban Renewal District to include Sorenson School but noted that there is mention of the McEuen Park Project. He noted that the Walker Macy Master Plan calls for a parking structure on Lakeside Avenue. City Attorney Gridley noted that the current Council is not bound by previous Councils and the previous planning documents for the Walker Macy Plan have been amended to the current plan and the document mentioned by Councilman Gookin does not preclude proceeding with the current plan.

MOTION: Motion by Edinger, seconded by Gookin to delete Section 11- C from the contract which refers to default.

Danielle Quade, attorney for LCDC, explained that clause refers to the situation if the project was determined to be a profit-making venture. Since tax laws provide that only 10% can be used for

profit-making endeavors and if more funds were used for this purpose, then the bonds would be taxable and thus this section protects LCDC from this scenario.

Councilman Edinger asked, if the next election results in a different Council and the new Council stops this project, would the City have to repay LCDC for the funds being spent. Ms. Quade responded it would depend on the portion of the project that had been completed and probably the purpose of the project would be met. City Attorney Gridley noted that if a future Council stops this project, the costs would have to be sorted out to determine who owes what. Councilman Edinger asked if the Council changes and they put the project to the vote of the people and the people say quit the project, can this Council bind future Council to this agreement. Attorney Gridley said that the Council has previously done multi-year contracts; however, if a new Council wants to breach a contract they would be held liable. City Administrator Gabriel noted that the project has a completion date of November, 2013. Councilman Kennedy noted that he opposes removal of certain language in the contract basically because the members of the Council are not attorneys and believes that this is a maneuver by other Council members to stall this project. Councilman Goodlander noted that the clause on breach of contract refers to the contractor and not the City. Councilman Gookin commented that Ms. Quade had noted the breach could be if the funds are used for a for-profit use but if the City stops the contract the City would have to repay LCDC. Ms. Quade responded that Councilman Gookin is comparing separate provisions of the contract.

MOTION TO AMEND - ROLL CALL: Edinger, Aye; Adams, Aye; McEvers, No; Goodlander, No; Gookin, Aye; Kennedy No. Motion failed with the Mayor voting the negative.

RESOLUTION 12-029 ROLL CALL: Edinger, No; Kennedy, Aye; McEvers, Aye; Adams, No; Gookin, No; Goodlander, Aye. Motion carried with the Mayor's tie-breaking vote in the affirmative.

RECESS: The Council called for a recess from 7:19 p.m. until 7:23 p.m.

POINT OF PERSONAL PRIVILEGE: Councilman Gookin clarified that the current contract is for construction documents and that the City has not previously breached contracts and apologized to Councilman Kennedy for not responding to his question regarding his previous comment that the city has breached contracts in the past. Councilman Kennedy noted that Councilman Gookin in addition to tonight's comments that: "the City has previously breached contracts" and "how far is the City going to bend the law" previously made inflammatory comments, such as "kicking the kids to the curb" and he believes Council needs to start working with facts. Mayor Bloem noted that the 7 community values have been used often in this project.

ORDINANCE NO. 3445
COUNCIL BILL NO. 12-1019

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 R12 TO NC, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO

WIT: +/- 0.288 ACRE PARCEL AT 2202 N. GOVERNMENT WAY; 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 McEvers, seconded by Edinger to pass the first reading of Council Bill No. 12-1019

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 12-1019 by its having had one reading by title only.

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

PUBLIC HEARING – A-2-12 – ANNEXATION AND ZONING OF PROPERTY ON THE NORTH SIDE OF SELTICE WAY, WEST OF MILL RIVER SENIORS FACILITY:

Mayor Bloem read the rules of order for this public hearing. Tami Stroud, City Planner, gave the staff report.

Mrs. Stroud gave the applicant's name as the City of Coeur d'Alene, the location as a +/- .88 acre parcel known as a triangular parcel abutting the west boundary of the Mill River Seniors Apartments and the reason for the request as an annexation of property with a C-17 zoning.

She went on to give the staff analyses of the Comprehensive Plan regarding land use, neighborhood characteristics, utilities, streets, traffic, and existing land uses. She reported that on June 12, 2012 the Planning Commission voted in favor of the requested annexation and zoning.

She reported that 6 notices were mailed on June 29, 2012 for tonight's public hearing.

Councilman McEvers pointed out that this wedge of property is so the City can connect the City's sewer to city property to the east.

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

MOTION: Motion by Kennedy, seconded by Goodlander to approve the requested annexation and zoning for the .88 acre parcel of property located on north side of Seltice Way abutting the west boundary of the Mill River Senior Apartments and to direct staff to prepare the Findings and Order for tonight's public hearing.

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

EXECUTIVE SESSION: Motion by Goodlander, seconded by McEvers to enter into Executive Session as provided by I.C. 67-2345 § B: To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or

individual agent; and §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.

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

The Council entered into Executive Session at 7:35 p.m. Members present were the Mayor, City Administrator, City Council, City Attorney, City Treasurer and Deputy City Administrator.

Matters discussed were those of personnel matters and possible litigation. No action was taken and the Council returned to its regular session at 8:40 p.m.

ADJOURNMENT: Motion by Goodlander, seconded by Adams to recess this meeting to July 30, 2012 at **8:00 a.m.**** in the Library Community Room for the Council FY 2012-2013 Budget Workshop and then to July 31st at 12:00 noon for a City Council Workshop in the City hall former Council Chambers. Motion carried.

The meeting recess at 8:40 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk

****Due to a lack of quorum available at 8:00 a.m. the Budget Workshop was moved to 9:00 a.m.**