

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

**December 7, 2010**

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 December 7, 2010 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

**INVOCATION:** The invocation was led by Pastor Dick Hege, Coeur d'Alene Bible Church.

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

**PRESENTATION – LIBRARY REPORT:** Bette Ammon, Library Director, presented an overview of the activities of the City Library and what improved efficiencies have been incorporated over the past few years.

**PRESENTATION – LAKE CITY SENIOR CENTER:** Vickie Harrison, Manager of the Lake City Senior Center, presented an overview of the programs offered to area seniors including meals, socialization opportunities, nutrition and fitness programs, and public forums.

Motion by Edinger, seconded by Kennedy to bring Resolution 10-046 forward on the agenda. Motion carried.

**PUBLIC COMMENTS:** Dick Panabaker, a board member of the Lake City Senior Center, commented on the individuals who visit the Lake City Senior Center. He noted that one of the things that affects their attendance in the winter months is the fear of seniors falling. Evelyn Adams, 1873 Silver Beach Road, voiced her concerns of the financial status of the Center and believes the City should provide funds to the Center.

Project Coordinator Renata McLeod reported that the City had been approached to assist with snow plowing the center's parking lot in exchange for use of the facility. Additionally, the Senior Center is looking into grants that would allow them to be an emergency facility in cases of disaster. Councilman Edinger asked about some grant funding. Mrs. McLeod responded that he may be referring to the CDBG grant funds in which staff is looking at some opportunities for the senior center. Councilman McEvers asked why the need for funding now. Vicki Harrison responded that the membership at the Senior Center has dropped over the past few years as well as losing grant dollars for meals which has impacted their financial situation. She noted that they are willing to open up their financial books to the City for review and recommendations.

RESOLUTION NO. 10-046

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A LETTER OF AGREEMENT WITH THE LAKE CITY SENIOR CENTER TO PROVIDE MUTUAL BENEFIT TO THE PARTIES.

Motion by Edinger, seconded by Bruning to adopt Resolution 10-046.

COUNCIL COMMENTS: Councilman Hassell voiced his concern that if we agree to help this facility we may be setting a precedent.

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

**PUBLIC COMMENTS:**

SINGLE STREAM RECYCLING: Steve Wulf, Kootenai County Solid Waste Manager, and Steve Roberge, Waste Management of Idaho General Manager, reported on the success of the single-stream recycling program with a 200% increase in participation in the new program. Mr. Roberge did remind residents that junk mail, cereal boxes and other paper products can also be placed in the recycling bin. Steve Wulf reported that if the recycling continues the County will avoid hauling 159 trucks loads of garbage to the landfill. He also asked that Christmas wrapping paper not be placed in the recycling bins. Mr. Roberge noted that the next phase will be extending single-stream recycling to commercial users. In response to Council questions, Mr. Wulf noted that Styrofoam and plastic bags are not recyclable.

GARBAGE SERVICE CLOSED TO ALLEYS: Mr. Roberge explained why Waste Management has had to stop collecting garbage and recycled items in the alleys. He believes that they may resume alley garbage pickup some time in March.

MIKE KENNEDY LEGAL BILLS: Charlotte Gherke, 1308 Cd' A Ave., asked if there is an ordinance that would allow the City to pay Mike Kennedy's legal bills. Mayor Bloem responded that the City Attorney will be providing a report on this matter. Ms. Gherke also believes that Council has already made their decisions at the General Services Committee and that at City Council meetings when the Council asks for public comments they are useless.

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

1. Approval of minutes for November 15, 16, 2010.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, December 13<sup>th</sup> at 12:00 noon and 4:00 p.m. respectively.
3. Approval of annual request to allow carriage rides in the Downtown area each Saturday in December and Friday, December 24<sup>th</sup>.
4. Approval of beer/wine license transfer from Mik and Macs to Mik's Blessings at 406 N. 4<sup>th</sup> Street and transfer from Torch Lounge to Boomers at 216 E. Coeur d'Alene Ave.
5. Approval of beer/wine license for Sully's Pub at 5785 N. Gov't Way
6. Approval of cemetery lot repurchase from Sharron Rogers.

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

**COUNCIL ANNOUNCEMENTS:**

**COUNCILMAN MCEVERS** : Councilman McEvers commented about shoveling his sidewalk and his mail delivery lady thanking him for shoveling his sidewalk.

**COMMITTEE APPOINTMENT – CDA TV COMMITTEE:** Motion by Hassell, seconded by Goodlander to appoint Laura Rumpler as the School District 271 representative on the CDA TV Committee. Motion carried.

**ADMINISTRATOR’S REPORT:** City Administrator Wendy Gabriel announced that the Coeur d’Alene Police Department is pleased to welcome Daniel J. Perry in his new appointment as Police Chaplain. Regional historian Robert Singletary returns to the Coeur d’Alene Public Library in December with a three-part weekly series that will focus on the history of Coeur d’Alene. If you’re a first time winter cyclist, remember to set the tire pressure to the low end of the recommended air pressure range to increase traction on slick roads. Avoid using a clip in shoes and pedals, just in case you have to put your feet down in a hurry. Also, use thick Mountain Bike tires to keep from slipping on areas packed with snow. This year, as in years past, area law enforcement agencies, fire departments, and numerous volunteers are proud to join together and participate in the “Holidays and Heroes” program. The agencies will be following the same format as in prior years in which they take children shopping for the day. Holidays and Heroes is accepting cash donations and food items through December 18th that can be dropped off at the area agencies including the Coeur d’Alene Police Department at 3818 Schreiber Way, and Kootenai County Fire Administration Office at 5271 E. Seltice Way. She expressed her appreciation for the extraordinary efforts of our Street Department in managing the snow removal during the month of November, 2010 dubbed by the Coeur d’Alene Press as “Snow-ember” – the snowiest November ever recorded. Record snowfall posed tremendous challenges for our crews. In a ten-day period, we received the equivalent of a half-year worth of normal snowfall. Adding to the challenge was meeting the logistical demands for the annual Coeur d’Alene Downtown Lighting Ceremony and fireworks show. Despite record-breaking weather, the streets of Coeur d’Alene were kept in very good condition considering the circumstances.

**GOVERNMENT WAY LOCAL IMPROVEMENT DISTRICT:** City Engineer Gordon Dobler explained that Government Way will be reconstructed next year, from Dalton Ave to Hanley Ave. The City of Dalton will be installing a sewer main that will serve the commercial corridor in Dalton and some of the abutting properties in Coeur d’Alene prior to the construction of the roadway. In addition, the City will be installing a water main to serve the properties within the city that are currently being served by Dalton Water District. This also will be done before the roadway construction. Dalton Water has notified the City and the property owners that they intend to terminate service in the future, so we will install the necessary facilitates now. Staff met with the property owners on October 5th to discuss the project and the potential to fund it with an LID. They were very concerned about the cost but were supportive of being served by city water and sewer.

Motion by Hassell, seconded by McEvers to authorize staff to proceed with the process of forming an LID at an average of \$50.00/lineal foot assessment to fund a portion of water and sewer facilities in Government Way. Motion carried.

ORDINANCE NO. 3397  
COUNCIL BILL NO. 10-1025

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 13.30.010, 13.30.020, 13.30.040, 13.30.050, 13.30.060 AND ADOPTING A NEW SECTION 13.30.075 TO the STORMWATER MANAGEMENT ORDINANCE TO PROVIDE ADDITIONAL DEFINITIONS, ADOPTING ADDITIONAL STANDARDS FOR EROSION, SEDIMENT AND CONSTRUCTION WASTE CONTROL AND PROVIDING FOR INSPECTIONS; 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: Gordon Dobler reported that EPA requires some modification to the city's existing regulations for the city's stormwater discharge permit. He noted that staff met with NIBCA to explain the proposed amendments.

Motion by Hassell, seconded by Edinger to pass the first reading of Council Bill No. 10-1025.

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

Motion by Edinger, seconded by Goodlander to suspend the rules and to adopt Council Bill No. 10-1025 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.

**MIKE KENNEDY TORT CLAIM:** Councilman Kennedy recused himself from this item. City Attorney Mike Gridley noted that although tort claims are dealt with in Executive Session as provided by Idaho law, due to the litigation regarding the City's last election he has been asked to present this tort claim during the Council regular meeting. He reported that Councilman Kennedy had been named in a lawsuit by Jim Brannon over the City's last election in which Councilman Kennedy won his election over Jim Brannon. He listed the city's options in regard to Councilman Kennedy's tort claim, which are: pay a portion, pay all the legal fees, or deny payment of any portion of his legal fees. He reported that he has reviewed the laws, discussed this claim with various attorneys who have expertise in municipal law and the State Attorney General's Office. He explained that the litigation challenge was really aimed at the election process and that Councilman Kennedy, by simply being the winning candidate, did nothing wrong. Mr. Gridley reported that the City was involved in mediation with the attorneys for Mike Kennedy, which was mediated by Judge Donahue. He noted that one of the arguments made by the City is that this is really a private debt. Mike Kennedy's attorney argued that this trial was about a City issue and the conduct of the election process, and, although Judge Hosack found that the election process was done correctly, Mr. Kennedy was sued and had to hire lawyers to defend him and the city election process. Another comment was that Councilman Kennedy as an incumbent is a City employee and the suit was really over Council Seat #2. Mr. Gridley further explained that if a tort claim is denied, the City runs the risk of being sued by the claimant. He noted that it is his responsibility as City Attorney to present the risk factors to be weighed by the Council in deciding whether to approve a tort claim or not. As a result of the mediation by Judge Donahue,

it is proposed that the City agree to pay \$69,660 which the claimant's attorneys have agreed to settle the \$107,000 claim for. In conclusion Mr. Gridley, as the City's legal counsel, recommends the Council accept the proposed settlement of \$69,660.

Councilman Goodlander asked about the future defense of Councilman Kennedy since Jim Brannon has appealed the judgment in his case to the Supreme Court. No decision has been made about that; however, City Attorney Gridley said that one option is that the City take over Councilman Kennedy's defense in this process.

Councilman Edinger asked why the City did not defend Councilman Kennedy in this case. Mr. Gridley responded that in looking at state statute it was his opinion that this issue was a private situation in that it was one candidate suing another candidate. Councilman Edinger asked why the losing party is not paying for the prevailing party's attorney's fees. Mr. Gridley responded that state law provides for the recovery of court costs which are minimal but not attorney's fees.

Motion by Goodlander, seconded by Bruning to pay the mediated amount of \$69,660 in Mike Kennedy's tort claim. ROLL CALL: Hassell, Aye; Goodlander, Aye; Edinger, Abstain; McEvers, Aye; Bruning, Aye. Motion carried.

Mayor Bloem promised that the City will work hard to see that this law is changed and so candidates who have nothing to do with the process can avoid being sued over the process.

**RECESS:** Mayor Bloem called for a recess at 8:40 p.m. The meeting reconvened at 8:50 p.m.

Mayor Bloem asked where the money will come from for Mr. Kennedy's claim. City Attorney Mike Gridley reported that the funds will come from the City's self insurance fund for claims.

Councilman Kennedy commented that he believes a lot of misinformation has been circulated regarding this entire issue and he welcomes anyone who would like to ask him for the facts to contact him at 661-7337 or by email at [mike@idahokenendys.com](mailto:mike@idahokenendys.com).

**PUBLIC HEARING: O-3-10 – AMENDMENTS TO OFF-STREET PARKING**

**REGULATIONS:** Mayor Bloem read the rules of order for this public hearing. Dave Yadon, City Planning Director, gave the staff report.

Mr. Yadon reported that the bulk of our off-street parking regulations were adopted in 1982. He reported that there has been a significant amount of study and discussion by planning and engineering academic and practicing professionals in the last ten years. In a nutshell, the leading investigators submit that the typical requirements, such as those that Coeur d'Alene has adopted are overkill and do not address the purpose for which they were intended and can be a detriment to business and the livability of a community. Staff had looked at what some other communities were doing in response to the latest thinking and findings. The planning staff with input from the city staff, Planning Commission, and Parking Commission, selected a sampling of different projects that have been constructed in the last twenty plus years and evaluated the actual use of off-street parking at those sites. Staff also looked at Planned Unit Development projects and regulations that have been granted alternative off-street parking requirements in the past by the City. In conclusion, it appears that amount of off-street parking spaces required greatly exceeds the normal demand. In response to Council's concerns regarding multi-family dwelling units, he noted that the current codes far exceed the national average.

Councilman Kennedy noted that this proposal has been an attempt to require fewer parking spaces for businesses. Dave Yadon responded that the Planning Commission used information that had been developed nationwide for parking requirements within communities. He also noted that staff did some “ground truthing” in our community and received input from the community, businesses, and the Parking Commission and what is being presented is a result of this research.

Councilman Hassell asked if staff had the proposed regulations reviewed by IHA. Mr. Yadon responded that IHA and any organization providing affordable housing are in favor of these amendments.

**PUBLIC COMMENTS:** Susan Snedaker, 812 Hastings, commented that whatever codes are created the city must have code enforcement enforce, as current existing codes are being ignored and nothing is being done about it. She noted that transitional housing parking is inadequate and questioned the number of required parking spaces for the Library. She commented that the City gives five years for the completion of project compliance and believes that this is way too long. She believes that the removal of on-street parking and alley parking is abysmal.

Mayor Bloem noted that if significant changes are made to the proposed ordinance tonight it needs to be brought back to a public hearing and asked if Council would like to take public comments into consideration and move the discussion to a workshop setting.

**MOTION:** Motion by Goodlander, seconded by Bruning to refer the proposed amendments and the public comments offered to a Council workshop in January for further discussion. Motion carried.

**EXECUTIVE SESSION:** Motion by Hassell, seconded by McEvers to enter into Executive Session as provided by I.C. 67-2345 Subsection C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property not owned by a public agency. **ROLL CALL:** Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Bruning, Aye; Edinger, Aye; Hassell, Aye. Motion carried.

The session began at 9:15 p.m. and the matter discussed was property acquisition. Members present were the Mayor, City Council, City Administrator, City Attorney, and Parks Director.

No action was taken and the Council returned to regular session at 9:38 p.m.

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

The meeting adjourned at 9:38 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan Weathers, CMC  
City Clerk