

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

October 21, 2014

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 October 21, 2014 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Woody McEvers) Members of Council Present
Steve Adams)
Dan Gookin)
Amy Evans)
Loren Ron Edinger)
Kiki Miller)

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

INVOCATION: Pastor Robert Sundquist, from Christ the King Church provided the invocation.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Councilmember Adams.

IDAHO STARS PROJECT PRESENTATION – Beth Oppenheimer, Director of the Idaho Association for the Education of Young Children stated that their goal is to share information regarding healthy kids and additions to childcare regulations. She clarified that Idaho state licensing standards are fairly low; however, 8 cities in Idaho have enacted their own licensing and that the City of Coeur d'Alene stands out as a good example. She expressed concern regarding childhood obesity and that childcare plays an important role in childhood activity levels and brain development. The Idaho STARS Project provides education opportunities for childcare providers. The “Let’s Move Childcare” program is a component of being a “Let’s Move” city and workshops are available locally. Last month the City of Boise passed a policy, which included input from childcare providers. They focused on physical activity, limited screen time, nutrition standards for meals and snacks, and infant feeding support. They would like to roll the program out within a year, provide no cost training with credits, and review city inspection policies with compliance listed on the city website. Ms. Oppenheimer asked the Council to think about what could be done to increase health and wellness in childcare within Coeur d'Alene. Councilmember McEvers asked if she had presented to the Childcare Commission. Ms. Oppenheimer stated that she was not able to meet with them before presenting to the City Council but planned to meet with the commission.

CITIZEN AWARD PRESENTATION - Battalion Chief Jeff Canfield presented an award to a heroic young lady based on an incident that occurred on September 2, 2014. Eleven-year-old

Sequoia Love provided her three year old sister with life saving chest compressions after she had fallen into a pool and lost consciousness. Her actions saved her sister's life. Mayor Widmyer congratulated Sequoia on her award.

PUBLIC COMMENTS:

Christian Rights:

John Shapiro, Coeur d'Alene, stated that he was in support of the Knapps, owners of the Hitching Post. He stated that the City Ordinance violates the Constitution. He believes that this forces Christians to violate their belief which is emotional distress and cruelty for Christians. He believes it is sanctioned bigotry against Christians. He asked the city to repeal the ordinance.

Councilmember Gookin asked City Attorney Mike Gridley to provide additional information. Mr. Gridley stated that the City has never threatened the Knapps. They have discussed the ordinance and whether or not they are providing civil services, not religious services; and whether they could be in violation of the code. As with any potential violation it is based on a complaint, followed by an investigation and, if appropriate, prosecution is engaged. Mr. Gridley clarified that there have been no complaints brought to the City under this ordinance. The conversation with the Knapps was an explanation of the ordinance. The ordinance does provide exemptions for religious organizations. He believes there is a lot of misinformation about the regulation of churches and ministers.

Vern Westgate, Coeur d'Alene, said that he testified against the ordinance in 2013 and at that time he read the 14th Amendment. He believes it was within the purview of the state legislature to deal with these regulations. He wished that one of the councilmembers would bring the ordinance back up to be rescinded and let the state work it out.

Councilmember Gookin stated that he does agree that this issue is best resolved at a higher level. He would like to see a national resolution to the issue.

Hillside Regulations:

Linda Meyer, Coeur d'Alene, stated that she moved to her current home because of the natural pristine beauty and habitat. She believes that property owners should leave more than 15% of the natural habitat. Recently there has been clear cutting of Ponderosa Pines on Fernan Hill. She believes there has already been a loss of wildlife habitat from the tree removal. They recently had 60 trees cut from their property and during a recent storm three more trees fell. She had made contact with various city departments and believes the current hillside ordinance doesn't help with view easements. She would like better land management and is requesting an amendment to the hillside ordinance requiring present land owners leave 15% natural space in 1 acre or larger parcels. Mayor Widmyer stated that staff would research this item and get back with her.

CONSENT CALENDAR: Motion by Adams, seconded by McEvers to discuss the agreement with Kootenai County for funding of Citylink transit system (item E) separately. **Motion Carried.**
Motion by McEvers, seconded by Evans to approve the consent calendar.

1. Approval of Council Minutes for October 7, 2014.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for October 27, 2014 at 12:00 noon and 4:00 p.m. respectively.
4. Setting of a public hearing for December 2, 2014 for the vacation of a portion of Mill Avenue and Government Road rights of way situated west of Northwest Boulevard.
5. As recommended by Public Works October 13, 2014
6. Approval of **Resolution No. 14-045** 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 S-4-05.M1, ACCEPTANCE OF PUBLIC IMPROVEMENTS, APPROVAL OF MAINTENANCE / WARRANTY AGREEMENT, AND APPROVAL OF SECURITY OF BELLERIVE 5TH ADDITION; APPROVING S-3-12, APPROVAL OF FINAL PLANT, ACCEPTANCE OF PUBLIC IMPROVEMENTS, APPROVAL OF MAINTENANCE / WARRANTY AGREEMENT, AND APPROVAL OF SECURITY FOR COEUR D'ALENE 23RD ADDITION; APPROVING A LEASE AGREEMENT EXTENSION WITH COMMERCIAL PROPERTY MANAGEMENT, LLC FOR OFFICE SPACE AT 816 SHERMAN; APPROVING A MEMORANDUM OF UNDERSTANDING WITH DALTON GARDENS FOR THE READING OF WATER METERS ON GOVERNMENT WAY BETWEEN DALTON AND HANLEY AVENUES; ~~APPROVING AN AGREEMENT WITH KOOTENAI COUNTY FOR FUNDING OF CITYLINK TRANSIT SYSTEM;~~ APPROVING A MASTER AGREEMENT WITH KOOTENAI COUNTY EMERGENCY MEDICAL SERVICES SYSTEM (KCEMSS); AND APPROVING A CONTRACT WITH WELCH-COMER ENGINEERS FOR SURVEY OF BNSF PROPERTY.

ROLL CALL: Miller Aye; Edinger Aye; Evans Aye; Adams Aye; McEvers Aye; Gookin Aye.
Motion carried.

APPROVING AN AGREEMENT WITH KOOTENAI COUNTY FOR FUNDING OF CITYLINK TRANSIT SYSTEM

MOTION: Motion by Gookin seconded by McEvers to approve the agreement with Kootenai County for funding of the Citylink transit system.

DISCUSSION: Councilmember Adams stated that he has historically voted against this agreement as he has an objection to public transit systems. Specifically, he believes that if the Federal funding goes away it would not be sustainable.

ROLL CALL: Miller Aye; Edinger Aye; Evans Aye; Adams No; McEvers Aye; Gookin Aye.
Motion carried.

COUNCIL ANNOUNCEMENTS:

Councilmember Miller is working on the closure of the McEuen Park project contract. She stated that there are a few unresolved items and there will be a presentation to the Council once the items are completed.

Councilmember Adams thanked Councilmember Miller for all the time she has spent working on this project.

Councilmember Gookin stated that he was at the recent LCDC Workshop and felt the people at mid-town did a good job expressing alternatives. The workshop minutes were disappointing as they did not include public comments. The City does not control LCDC and he hopes that the community does not get disheartened. At the last Council meeting it was mentioned that the City did not get a COPS grant and he would like to find a way to fund the three additional patrol positions.

MOTION: Motion by Gookin, second by Edinger to direct the Police Chief and Finance Director to make a presentation at the next Council meeting regarding options to fund the Patrol Officer positions.

DISCUSSION: Councilmember Miller asked staff if there was enough time between meetings to put that information together. Councilmember Gookin stated that this item was going to be presented in January and he would like it to occur sooner. Mr. Tymesen stated that he and Police Chief White have been discussing options but he does not see financial resources becoming available until January.

Motion Carried.

Councilmember McEvers reminded the community to spay and neuter their pets.

ADMINISTRATOR'S REPORT: Interim City Administrator Troy Tymesen announced the retirement of Officer Pat Sullivan after more than 27 years of service. Mr. Sullivan will continue to serve the department as a volunteer with firearms training and in other areas of law enforcement he specialized in over the years. Thirty trees were recently planted in public right-of-way in Coeur d'Alene thanks to a \$7,500 donation to the city's reforestation program from Kootenai Health. Because of the expansion of the hospital, some trees within the footprint of the new building on their property had to be removed. Kootenai Health will be planting many replacement trees on their property. Additionally, the hospital wanted to sponsor a planting program to help offset the loss of the trees on their property. The 30 trees selected for planting are large deciduous shade trees and are being planted where there is adequate growing space and no overhead power lines. Abutting property owners have agreed to provide care, including watering and protecting from mowers and trimmers. In recognition of National Community Planning Month in October, the city of Coeur d'Alene is sponsoring a "What Makes Places Great" photo contest all month long. Send us photos that you feel best represent the city and make this a great place to live or visit. Your pictures can be sent to Keith at kerickson@cdaid.org. Categories are Environment, Architecture, People, and Community Life.

Winners will be named in early November in two categories: Youth (younger than 18) and adult. Winners in both categories get a free lunch for two with Coeur d'Alene Mayor Steve Widmyer. There will also be a People's Choice Award for a gift card to Vault Coffee on Sherman Avenue. For further details, visit the city's web site at cdaid.org. For information, contact Keith Erickson at 769.2359. The latest Coffee with the Mayor show on Channel 19 focuses on development of a master plan for what is known as the Four Corners/BLM corridor. The subject property stretches from Independence Point downtown west to Huetter, generally bordering the Spokane River. Phil Boyd and Del Hatch with Welch-Comer Engineers are developing the master plan. Based on public input they've received so far, they discussed several possible uses for the 6-mile stretch of property. These include improved public access to the water, expansion of Riverstone Park to the river, partnering with North Idaho College on a joint use facility, and partnering with Kootenai County to develop a parking facility. The 30-minute show is hosted by Coeur d'Alene Mayor Steve Widmyer and Council President Woody McEvers. The show will air throughout October on Time Warner Channel 19. It may be seen Sunday and Wednesday at noon, Monday and Friday at 6 a.m. and 6 p.m., and Tuesday, Thursday and Saturday at 12 a.m. The feeling outside is autumn and inside, the Coeur d'Alene Public Library is offering seasonable activities for all ages. For more information, please visit the library's website at cdalibrary.org, or call 769-2315. At 160 feet tall, the Prairie Standpipe in northern Coeur d'Alene is said to be the largest structure of its kind in the world. The height makes it difficult in determining the condition of its exterior. In this day of drones, getting a bird's eye view is much easier, much to the delight of the city's water department. Built in 1993, the 2 million gallon Prairie Standpipe is due for a new coating of exterior protection. A consultant for the city last week unleashed a drone to determine the condition of the conspicuous structure, more commonly known as a water standpipe. By surveying and documenting the condition up close, the consultant can put together more accurate and detailed specifications for contractors who may be interested in applying the coating. The standpipe project will go to bid early next year. The work is expected to be performed in April. Six black granite tablets were installed at McEuen Park last Thursday with the first of six tablets already engraved with names from donors. For a \$500 donation, you can have your name, family name, business or loved ones name engraved on the donor wall. Each tablet has room for 64 lines, each with a maximum of 24 letters. Now that all six granite tablets are installed, a mobile engraver will add names in groups of 20 to 25 as lines are purchased. Donations received will be used for maintenance and amenities for Coeur d'Alene Parks and help to secure property for future parks, open space and recreational facilities in the Lake City. To purchase space on the donor wall, email Debbie Wilson at debbie@panhandleparksfoundation.com or call at 446-4813. A donor form can also be downloaded from panhandleparksfoundation.org. A box with donor forms will also be placed at the donor wall soon. Meantime, the Panhandle Parks Foundation is planning an unveiling at the donor wall. A date and time will be announced soon. The City has an opening for a student representative on the City of Coeur d'Alene Parking Commission. Nearly 12 years ago, the Coeur d'Alene City Council passed an ordinance allowing youth representation on City Commissions, Boards, and Committees. Service on these boards gives students an unprecedented opportunity to learn about city government, special projects, and community needs. If you are interested in serving as a student representation, please call Amy Ferguson at 666-5754 for an application form. With winter just around the corner, it's time to winterize irrigation systems. In our area, the most common practice is to use compressed air to blow out residual water in the irrigation piping. When performed correctly, this can be an efficient method to prevent expensive damage to irrigation systems caused by freezing. If

performed incorrectly, however, costly damage to backflow assemblies can occur. It could also result in contaminating your water, as well as your neighbors' water. For more information, contact the city's water department at 769-2210. There is a new question on CityPoll: "Do you take advantage of free city leaf pickup?" Each month, a CityPoll question is posed on the city's website so the city can learn how the community feels about a particular issue. Responses will be reviewed by city staff and changes will be used in leadership strategic planning as guidance to assure we are offering the best possible services to our citizens. Additionally, Coeur d'Alene Mayor Steve Widmyer has established a direct telephone line for callers to leave a comment, idea or concern. To leave a message 24/7 with the mayor, call 769-2220, extension 503, or visit the city's website and click on the icon shown on the screen.

Public Safety Plan Update: Mr. Tymesen stated that in the City's financial plan included the Public Safety General Obligation Bond. The public safety departments are putting together their list of needs and will be seeking a bond in May 2015 for just under \$7,000,000.00. The Library portion of the previous bond still exists as its lifespan is longer than the public safety equipment. Mayor Widmyer asked what the 2005 interest was compared to today. Mr. Tymesen stated that 2005 was a good time to go out for a bond and with the City's good credit rating the current rate should be approximately $\frac{3}{4}$ of a point less than 2005.

APPROVAL OF USE OF CITIZENS TO PARTICIPATE ON THE POLICE DEPARTMENT'S USE OF FORCE REVIEW BOARD

STAFF REPORT: Police Chief White presented the concept of including citizens on the Police Use of Force Review Board. He clarified that the Board meets as needed related to deadly force incidents and historically has only included representatives from outside law enforcement agencies, not citizens. He recommends adding two city residents to the board to serve on a rotating basis. He recommends the scope of the board to include any use of force that results in significant injury. He believes this change will increase accountability, transparency, and openness with the community.

DISCUSSION: Councilmember McEvers asked how the department would find people to serve on this type of board. Chief White stated that they are looking for someone who wants to work with the police department to provide constructive criticism. Those interested could notify the department through the department's social media/web page, etc. Those serving on the board would receive training of policy and procedure and applicable case law.

MOTION: Motion by Edinger, seconded by Gookin to authorize the use of community members to participate in the Police Department's Use of Force Review Board. **Motion carried.**

NAMING THE NEW WATER WELL AT HANLEY & ATLAS.

STAFF REPORT: Water Superintendent Jim Markley stated that developing a new well has taken over six years and is nearly complete. He explained that the location of the well is at Hanley and Atlas. In the past previous wells were name for an abutting street name; however, both Hanley and Atlas wells already exist. In polling the department staff they suggested it be named as the Ralph Capaul Well. He provided a brief background of Mr. Capaul's work history

that spanned approximately 40 years. During Mr. Capaul's employment he instituted full metered services and he had vision enough to ask the Department of Water Resources for a letter to use surface water supply. During the recent water adjudication process the City was able to produce the letter, which was likely a one-of-a-kind. Mr. Capaul continues to provide historical data to the department. Mr. Markley stated that the department needs to get the motor control center up and running, conduct trouble shooting, and then hold a ribbon cutting.

DISCUSSION: Councilmember Edinger stated that Mr. Capaul worked for the city in the 1970's when the City acquired the Idaho Water Company and a major concern at the time was if Mr. Capaul would stay with the city, as they wanted him to. Mr. Capaul retired in 1993 and it was Councilmember Edinger's pleasure to work with him over the years. Councilmember Miller stated that it is a well-deserved honor and she was impressed that he continues to provide answers to the City. Councilmember McEvers stated that he also felt it was a well-deserved honor.

MOTION: Motion by Edinger, seconded by Adams to approve the naming of the new water well located at Hanley and Atlas as the Ralph Capaul Well. **Motion carried.**

ZC-3-14 - Request by Ray Harding [R-12 – R-17] +/- 1.75 Acre parcel between Fruitland Lane and Hoard Street (South of Clady Lane), Tract 54 of Fruitlands Addition to Coeur d'Alene E."

MOTION: Motion by McEvers, seconded by Adams to approve the Findings and Order for ZC-3-14; for a +/- 1.75 Acre parcel between Fruitland Lane and Howard Street (South of Clady Lane), Tract 54 of Fruitlands Addition to Coeur d'Alene, change to R-17 (Residential at 17 units/acre). **Motion carried.**

**COUNCIL BILL 14-1020
ORDINANCE NO. 3496**

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 UNITS/ACRE) AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 1.75 ACRE PARCEL BETWEEN FRUITLAND LANE AND HOWARD STREET (SOUTH OF CLADY LANE), TRACT 54 OF FRUITLANDS ADDITION TO COEUR D' ALENE; 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: Motion by Gookin, seconded by McEvers to pass the first reading of **Council Bill No. 14-1020.**

ROLL CALL: Edinger No; Evans Aye; Adams Aye; McEvers Aye; Gookin Aye; Miller Aye.
Motion carried.

MOTION: Motion by McEvers, seconded by Gookin to suspend the rules and to adopt **Council Bill No. 14-1020** by its having had one reading by title only.

ROLL CALL: Edinger Aye; Evans Aye; Adams Aye; McEvers Aye; Gookin Aye; Miller Aye.
Motion carried.

EXECUTIVE SESSION: Motion by Gookin, seconded by McEvers to enter into Executive Session as provided by Idaho Code 67-2345 § (c) to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

ROLL CALL: Evans Aye; Edinger Aye; Adams Aye; McEvers Aye; Miller Aye; Gookin Aye.
Motion carried.

The City Council entered into Executive Session at 7:15 p.m. Those present were the Mayor, City Council, Interim City Administrator, and City Attorney. Council returned to regular session at 7:49 p.m.

RECESS: Motion by Adams seconded by McEvers to recess to October 28, 2014 at 12:00 Noon in the Old Council Chambers located at 710 E. Mullan Avenue for a City Council Workshop with the Spokane River Corridor Ad Hoc Committee. **Motion Carried.**

The meeting adjourned at 7:49 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk