

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

May 19, 2015

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 May 19, 2015 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

**INVOCATION:** An invocation was provided by Dave Hoit from Prairie Avenue Christian Center.

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

**AMENDMENT TO THE AGENDA: Motion** by Gookin, seconded by Adams to amend the agenda to add item F. 5 (d) to the Consent Calendar; seeking approval of a Beer/Wine License transfer from Mad Anthony's Inc. to Adam Hegstad, which was unknown at the time the meeting agenda was set. **Motion Carried.**

**PROCLAMATION - THE MONTH OF MAY WAS PROCLAIMED AS "WATER AND WASTEWATER AWARENESS MONTH."** Wastewater Superintendent Sid Fredrickson accepted the Proclamation and informed the Council that there were 120 Ramsey School 5<sup>th</sup> graders that recently toured the Wastewater Treatment Plant in honor of Water and Wastewater Awareness month.

**COEUR D'ALENE PUBLIC LIBRARY PARTNERSHIPS PRESENTATION -** Library Director Bette Ammon and Lake City High School Vice Principal Tom Mollgaard provided a presentation regarding the pilot public library program. Ms. Ammon explained that this concept has been discussed and researched over the past 10 months. She further explained that the concept is to put a public library branch within a public school, similar to programs in place in the state of Montana. Placing the public library within schools would provide services within an existing public space, such as Lake City High School. The City of Missoula, Montana has five such satellite libraries and they have become very popular. They talked to individual schools and librarians when considering the location for a Coeur d'Alene branch. Mr. Mollgaard explained

that the benefit of the program is that they would be bringing a library closer to the people rather than people having to go to the main library. Additionally, having public library services within a school helps promote students to get library cards that can be issued at the school. Mr. Mollgaard explained that in the Montana satellite locations they have found that the kids use the library for homework during off school times and in-between programs/sport events. They received some suggestions from the Montana school, one of which was to be flexible with setting the hours as some schools had different needs than others. The research committee would like to start with opening at 3:30 p.m. and closing at 7:30 pm., Monday through Thursday. However, they will change upon determining the need and use. The pilot would include a physical area within the School Library to house public library books, which would make it easier to rotate materials. Additionally, they would run staff through the School District's standards, such as requiring background checks. The exploratory committee specifically looked at the northern part of the community and determined Lake City High School as the best fit for the pilot program. Lake City High School has access from existing trails and would foster a higher level of resource-sharing. Ms. Ammon explained that they are currently requesting suggestions from the City Council, and then will work through the budget process for funding of one additional public library staff person. They would like to start the program shortly after October 1, 2015. Mr. Mollgaard stated that the School Board was concerned with policies regarding access to the internet and materials, so they will be developing a policy regarding that issue.

Mayor Widmyer asked when the School Board would approve the final plan. Mr. Mollgaard explained that the exploratory committee will meet and discuss that timeline, but no date has been set yet. Councilmember McEvers asked for more information regarding the costs of the program. Ms. Ammon clarified that the City would provide the staff person and the school would provide all the costs associated with the facility. She also confirmed that it would be open to the public. Mr. Mollgaard explained that it would be treated as two separate libraries as the school staff would leave at 3:00 p.m. with city staff beginning at 3:30 p.m.

Councilmember Miller provide some additional background regarding the exploratory committee and that they reviewed each hurdle one at a time including technical capabilities, hours of operation, policy development, etc. She believes this would be a great pilot site and it is a double benefit for the tax-payers' money. Additionally, this will open the school and learning resources to the community at the north end of town. Councilmember Miller said that the Kroc Center is willing to issue library cards which will aid in getting more books into community members' hands. Councilmember Gookin asked if they have determined the policy regarding banned books. Mr. Mollgaard said that policies need to be put in place, and explained that there would be two different collections. During the day the students would have access to the school collection and after 3:30 public library card holders would have access to the library collection (as library cards are issued with parents' permission for those students under 18 years old). He further explained that access to the internet is another issue, but there are similarities in the need for protection of content for those under 18 years old. Mr. Mollgaard stated that a Memorandum of Understanding would help work some of the issues out and outline the partnership and that they would be willing to start small.

**ROAD SCHOLARS AWARDS PRESENTATION** - Local Highway Technical Assistance Council (LHTAC) T2 Administrator Jeff Miles explained that the LHTAC program is part of the

Technology Transfer Center (T2 Center). He explained that continued education is important to all jobs and proven to be a cost savings to organizations. Through the LHTAC program there are two main awards; the Road Scholar and the Road Master. The Road Scholar requires participants to complete 80 class hours and pass requires exams. He presented Road Scholar awards to Street Department employees Doug Sheldon, Susan Wolf, Michael Jaecks, and Mike Cummings. Mayor Widmyer congratulated staff for their achievement.

**CONSENT CALENDAR: Motion** by Evans, seconded by Adams to approve the consent calendar.

1. Approval of Council Minutes for May 4, 5, and 12, 2015.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for May 26, 2015 at 12:00 noon and 4:00 p.m. respectively.
4. Setting of public hearings:
  - a. On June 2, 2015 - To accept public comments regarding the Plan Year 2014 Consolidated Annual Performance and Evaluation Report (CAPER).
  - b. On June 16, 2015 – Land exchange of real property with the Coeur d’Alene North Owners Association.
5. Approval of beer and wine licenses:
  - a. Anthony’s Coeur d’Alene, Mad Anthony’s Inc., 317 Sherman Avenue (New – temporary address)
  - b. Tito’s Italian Grill/Coeur d’Alene Tap House, 210 Sherman Avenue (Name Change)
  - c. Renee’s Downtown, Renee Bordelon, 507 E. Sherman Avenue, (New)
  - d. Mad Anthony’s Inc. transfer to Adam Hegstad, 317 Sherman Avenue
6. **Resolution No. 15-022A** - A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING CONDEMNATION PROCEEDINGS.
7. **Resolution No. 15- 023** - A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO APPROVING REVISIONS TO VARIOUS STANDARD DRAWINGS FOR THE WATER, WASTEWATER AND ENGINEERING DEPARTMENTS
8. **Resolution No. 15- 024** -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 STATE AND LOCAL AGREEMENT WITH IDAHO TRANSPORTATION DEPARTMENT FOR DESIGN OF SELTICE WAY FROM HUETTER AVENUE TO NORTHWEST BOULEVARD; APPROVAL OF THE DEVELOPMENT OF A SIGNALIZED AT-GRADE CROSSING OF THE PRAIRIE TRAIL AT THE INTERSECTION OF CARRINGTON LANE AND HANLEY AVENUE; DECLARATION OF INTENT TO EXCHANGE PROPERTY WITH THE COEUR D’ALENE NORTH OWNER’S ASSOCIATION.

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

## **COUNCIL ANNOUNCEMENTS:**

Councilmember Adams mentioned that the new black and white prototype patrol car looks great. Additionally, the Planning Department has scheduled public master planning meetings regarding East Sherman on June 3, 2015 at 5:00 p.m. in the Library Community Room and June 18, 2015 at 5:00 p.m. at the Harding Center. He encouraged the community to attend those meetings if they are interested in East Sherman.

Councilmember Miller said that City Planning Hilary Anderson presented at the NIBCA Joint Government meeting today and represented the city well and answered some tough questions.

Councilmember McEvers encouraged the community to get out and vote on the public safety bond as polls are open until 8:00 p.m. tonight. He noted that Coeur d'Alene Tribe held an election recently wherein Chief Allen was reelected to his fifth consecutive term as Chairman and Don Sczenski and Margaret SiJohn were elected. He expressed his congratulations.

Mayor Widmyer informed the community that the City is in the process of putting together the budget and encouraged the community to get involved. While the budget process is a long one, now is the time for the community and Council to voice their opinions. The City has placed a budget survey on its website with 12 questions, seeking public input regarding services and suggestions. The survey can be found at <https://www.surveymonkey.com/s/CDABudgetSurvey>.

### **Council Bill 15-1009**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING MUNICIPAL CODE SECTIONS 4.05.030, 4.15.010, 4.15.020, 4.15.030, 4.15.040, 4.15.060, 4.15.070, 4.15.080, 4.15.090, 4.15.100, 4.15.110, 4.15.115, 4.15.120, 4.15.130, 4.25.030, 4.25.070, 4.25.120, 8.36.100, 8.48.030, 10.04.010, 10.22.100, 10.24.020, 10.27.010, 10.27.020, AND REPEALING MUNICIPAL CODE SECTION 4.15.050; TO UPDATE DEFINITIONS, REVISE THE ALLOWED USES OF THE CITY PARKING LOT CAPITAL IMPROVEMENT FUND, AND UPDATE RULES OF CONDUCT FOR CITY PARKING FACILITIES; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.**

**STAFF REPORT:** Chief Criminal Deputy City Attorney Wes Somerton stated that the restructuring of the parking at McEuen Park brought forward discussion that led to several proposed amendments related to parking throughout the Municipal Code. The proposed ordinance amendments provide new definitions, new rules for conduct within parking facilities, and specifically prohibited activities within parking facilities. These changes were made consistent throughout the city code as applied to parking facilities and the definitions of public property. The Parking Commission reviewed the proposed amendment and provided comments and edits with valuable insight regarding how best to address the unique problems and opportunities all the city parking facilities present. Currently, law enforcement and parking enforcement can only encourage persons who gather for purposes other than parking to move on and have very limited means to require compliance. These changes will provide a tool to city

enforcement personnel to ensure the parking structure is used as intended -- as a safe and clean parking facility. Chief White stated the Police Department gets complaints about loitering and noise from revved engines. He has heard stories of young moms moving their cars, as they were intimidated by the large groups of people hanging out. The ordinance that is proposed will give law enforcement more teeth to enforce as issues arise.

**DISCUSSION:** Councilmember Gookin asked why the word “facility” is used instead of “parking lot.” Mr. Somerton said it was a uniform term for all parking facilities, garage versus parking lot, etc. which makes it consistent and fluid within the code. Councilmember Gookin pointed out that one of the big differences between the old and new parking lot is that the old lot had a gate which controlled access and mitigated problems. He suggested that the city add a gate.

**MOTION TO DIRECT STAFF:** Motion by Gookin seconded by Edinger to direct staff to study the effectiveness of parking within the McEuen Park parking areas and provide a report directly back to the City Council within three months.

**DISCUSSION:** Mayor Widmyer stated that there are two different issues between the ordinance and the gate proposal. Past problems at Independence point were mitigated by offering no free parking and increased patrols. Councilmember Evans asked for feedback and a history of discussions held with the Parking Commission regarding these problems. Mr. Tymesen explained that with the new pay stations at the parking facility there are less Diamond staff members on site. The pay stations have expedited large groups exiting the parking area during large scale events. He further explained that if you have gates it does not allow for patrol access and it will change the views and is not design friendly. There are a number of pay station kiosks for ease of payment and gate arms would be a large additional expense to the City. Councilmember Miller questioned if these items have been discussed with staff more than once. Mr. Tymesen confirmed that they have and he is in the process of instituting quality improvements, such as movement of pay stations and signage, as well as continued community education with the Downtown Association. Councilmember McEvers agreed that this review of gates should go back to staff and the Parking Commission. Mr. Somerton explained that the parking facility is an agenda item at every Parking Commission meeting. Mayor Widmyer felt it would be good to review the entire parking situation downtown to include a review of the 2007 Parking Study suggestions.

**MOTION to direct staff carried.**

**DISCUSSION CONTINUED:** Mayor Widmyer stated that he has witnessed people congregating within the garage and it is not a comfortable situation. Councilmember Gookin questioned the infringement of Constitutional rights to assemble. Mr. Somerton explained that the courts have determined cities may create code related to time, place, and manner regulations. He further explained that this is a unique facility and it is only appropriate for parking, which is different than an outside park that is open to viewing for all. The proposed parking garage regulations come from a blend of other municipalities’ codes. Councilmember Gookin stated that he witnessed crowds that hoot and holler and play music loud; however, he feels it is within their Constitutional right. He believes that the Police already have codes for enforcement.

Mayor Widmyer reiterated that the Police Chief has stated that he needs codes in order to deal with negative effects that are ongoing. Additionally, the parking garage is not a place to hang out. If the City wants a successful facility it cannot allow the congregation of large groups. Councilmember Gookin reiterated that he believes the gates will eliminate the activity. Councilmember Miller stated that the proposed code covers 30 facilities; 6 of which have additional regulations specific to that facility. She wanted to verify that when the code is adopted signage would be set out notifying the public of the codes. Mr. Somerton confirmed there would be signage and publication of the ordinance summary in the newspaper. He said that he believes that the Police Department will provide notification to the groups that there are new laws and that generally works. Chief White confirmed there would be an educational period provided by the department.

**MOTION:** Motion by McEvers, seconded by Adams, to pass the first reading of **Council Bill No. 15-1009**.

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

**MOTION:** Motion by McEvers, seconded by Adams, to suspend the rules and to adopt **Council Bill 15-1009** by its having had one reading by title only.

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

### **Council Bill 15-1007**

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO BY REPEALING CHAPTER 1.10 ENTITLED LEGISLATIVE PROCESS THAT PROVIDES LOCAL RULES REGARDING INITIATIVES AND REFERENDUMS; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

**STAFF REPORT:** Deputy City Attorney Warren Wilson explained that State Code relating to initiatives and referendums supersedes the City's Municipal Code. Additionally, the State Legislators approved a Bill, signed by Governor Otter on April 6, 2015, that will void all local level codes regarding initiatives and referendums on July 1, 2015. He further explained that because of the lead time necessary to qualify an initiative/referendum for the ballot, it is too late for anyone seeking an initiative this year to do so prior to July 1, 2015. As such, Municipal Code Chapter 1.10 can be repealed now with no impact. Repealing Chapter 1.10 will remove the voided provisions from the city code book thereby reducing confusion over which rules apply.

**MOTION:** Motion by Edinger, seconded by McEvers, to pass the first reading of **Council Bill No. 15-1007**.

**DISCUSSION:** Councilmember Gookin stated that he is disappointed as the legislators rewrite of the initiative process that makes it virtually impossible for citizens to come forward; however, there is nothing the City can do about it. Mr. Wilson clarified that under the new state code the only option would be to come forward every two years, within an odd number year.

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

**MOTION:** Motion by McEvers, seconded by Edinger, to suspend the rules and to adopt Council Bill 15-1007 by its having had one reading by title only.

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

### **APPROVING STREET DEPARTMENT REORGANIZATION PLAN**

**STAFF REPORT:** Street Superintendent Tim Martin explained that an upcoming retirement (Field Supervisor) brought forward the review of internal processes and potential expansion of the department's capabilities. Last December the Council approved one part of the reorganization with the approval of an in-house electrician. Since the retirement of the Assistant Street Superintendent in 2012, that position has laid dormant and unfunded in the department budget. Since 2012 the department has had two supervisors retire with a third Field Supervisor retiring this September. Mr. Martin stated that over 170 years of experience has left the department through retirement since 2012. The current organizational chart includes 27.82 FTE, which he is proposing would stay the same but would include an Assistant Street Superintendent position. The Assistant Street Superintendent position is not in the current financial plan, but is within the City's kinds and level chart. This position classification will have more added managerial focus on the day-to-day operations, supervisory duties, and would be crucial to the next phase of the department organizational shift. Operation lead worker positions are foreman-type position that will begin to get supervisory training, to make up for the years of experience that have left the department. Savings from the Street Department doing the asphalt patching work for the Water Department will help fund this position. The position level is at a grade 15, at \$54,537-\$76,752 per year.

**MOTION:** Motion by Gookin, seconded by Evans to approve the Street Department reorganization plan.

**DISCUSSION:** Mayor Widmyer asked for clarification regarding the net effect this change will have on the overall budget. Mr. Tymesen explained that with all the incoming work, this will be a revenue positive change. Councilmember Edinger asked for clarity regarding the Assistant Street Superintendent position recruitment. Mr. Martin confirmed that it will be an open recruitment. Councilmember Miller said that she felt this was a true reorganization as it will provide the addition of management, depth of cross-training, and be revenue positive.

**Motion carried.**

**REQUEST FOR A LOADING ZONE ON 4TH STREET, SOUTH OF SHERMAN AVENUE AND TO EXTEND THE 15 MINUTE LOADING ZONE ON SHERMAN AVENUE.**

**STAFF REPORT:** City Engineer Gordon Dobler stated that there is a developer interested in developing a boutique hotel on the corner of 4<sup>th</sup> Street and Sherman Avenue. The developer has a need to establish an area for loading and unloading for hotel guests, as well as a request for two 15 minute zones. The street was recently developed as a 24' wide street, so any changes would be at the developer's expense. The developer has stated that they would like to remove curb and sidewalk to create a zone. Mr. Dobler confirmed that the City would allow anyone to park on a public street right-of-way, so the zone would be marked as 15 minute parking. This would happen when the hotel is developed.

**DISCUSSION:** Councilmember Gookin explained that when the Public Works Commission reviewed the request they verified that other property owners that were interested in doing the same thing could make a request to the City Engineer. Councilmember Edinger expressed concern that the City just removed parking on that street. Mr. Dobler explained that this is being brought before Council because of the request to remove curb and sidewalk and he felt it was important for Council to review and approve due to the recent construction of the street. Mayor Widmyer confirmed that the 15 minute parking would be open to anyone and would not be restricted to hotel business. Councilmember Gookin asked if there would be requirements for the handicap spaces. Mr. Dobler verified that there would not be a trigger for an accessible space, as these would not be marked spaces like the diagonal parking on Front Avenue. Councilmember Miller informed the Council that she spoke with Terry Cooper from the Downtown Association and he was supportive of having additional spaces downtown and did not feel it was conflicting. She believes that the reference to "loading zone" should be removed and it should be clear that it is a 15 minute parking space. Mr. Dobler clarified that the parking zone can be approved by staff if there is Council approval for the modification of the sidewalk. Councilmember Edinger asked for confirmation that the developer would pay the full cost to modify. Mr. Dobler confirmed that it would be constructed with building permit issuance and at the cost of the developer.

**MOTION:** Motion by McEvers, seconded by Evans to approve a request for a loading zone on 4<sup>th</sup> Street, south of Sherman Avenue and to extend the 15 minute zone on Sherman Avenue. **Motion Carried.**

**RESOLUTION NO. 15-025**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING LEASE OF THE ROTARY HARBOR HOUSE CONCESSIONS TO RANDY AND AKIKO FOLK DBA TIKI HUT HOSPITALITY.

**STAFF REPORT:** Parks and Recreation Director Steve Anthony stated that he has moved forward with solicitation of proposals for the Harbor House Concession Lease. With the recent City Code amendment it allows the concessionaire to seek a beer and wine license, and if approved, the city would receive a portion of the sales profits. One proposal was received and staff recommends approval of the agreement with Mr. and Mrs. Folk.



**MOTION:** Motion by Edinger, seconded by McEvers to approve Resolution No. 15-025, approving a Concession Stand Lease Agreement for the McEuen Park Rotary Harbor House with Randy and Akiko Folk d/b/a Tiki Hut.

**DISCUSSION:** Councilmember McEvers stated that he hopes that the beer and wine sales are successful. Councilmember Edinger hopes that they do not take their purchases on to Tubs Hill. Councilmember Gookin requested that staff look at the future possibility of adding a hood and other utilities to the Harbor House to make food preparation available. Mr. Anthony explained that some of the revenues received through the lease might be able to be used for improvements. Councilmember Miller expressed concern regarding the plastic folding chairs used last year. Mr. Anthony stated that the Parks Department will be supplying city picnic tables, and that the vendor can bring in more items. Mayor Widmyer asked that the Folk's keep the area clean and to high standards.

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

**A-1-15 - Annexation of Burlington Northern Railroad Property - Pursuant to Council Action on April 21, 2015**

**MOTION:** Motion by McEvers, seconded by Evans to approve the Findings and Order for A-1-15 Annexation from County Industrial; +/- 9.557 acres of former Railroad property lying between the east end of Mill river Subdivision and Riverstone Development, to City C-17 (Commercial at 17 unites/acre). **Motion carried.**

### **COUNCIL BILL NO. 15-1008**

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, A +/- 9.557 ACRES OF FORMER RAILROAD PROPERTY LYING BETWEEN THE EAST END OF MILL RIVER SUBDIVISION AND RIVERSTONE DEVELOPMENT, MORE SPECIFICALLY DESCRIBED AS A PORTION OF GOVERNMENT LOT 4 OF SECTION 9, GOVERNMENT LOTS 1, 2 AND 3 AND THE NORTHEAST QUARTER OF SECTION 10, ALL LOCATED IN TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

**MOTION:** Motion by McEvers, seconded by Evans, to pass the first reading of **Council Bill No. 15-1008.**

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

**MOTION:** Motion by McEvers, seconded by Edinger, to suspend the rules and to adopt **Council Bill 15-1008** by its having had one reading by title only.

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

**PURCHASE AND SALE AGREEMENT WITH BNSF FOR 2.2 MILES ALONG BNSF RIGHT-OF-WAY ALONG THE SPOKANE RIVER**

**STAFF REPORT:** City Attorney Mike Gridley stated that the Council had previously approved staff to negotiate the purchase of the railroad property. Mr. Gridley presented a map of the 2.2 mile railroad area and reviewed the history of the property. The property originally appraised at over \$4 Million, but the purchase price has been negotiated to \$2.5 Million. The City's portion is a little over \$1 Million which will be paid out of annexation fees as the property is developed in the area. LCDC will pay the balance of the purchase price. He clarified that environmental, surveying and title work has been completed and that the City has been participating in a brownfields program. The BNSF Railway Company is the current owner; however, many others have operated upon this line, which complicates the title reports. He reviewed the current trail systems that would benefit from the connection to a new trail and reviewed the opportunity for access to the water. Additionally, he noted that trail systems were noted as important within the Vision 2030 plan, are a part of creating a healthy community, and he believes that the community supports these efforts. After the purchase is complete, he recommends that the Parks and Recreation Commission begin master planning the property with the community. The closing is scheduled for May 28, 2015.

**MOTION:** Motion by McEvers, seconded by Edinger to provide final approval for the purchase of the BNSF Railroad property along the Spokane River. **Motion carried.**

**PUBLIC COMMENTS:**

Chet Gaede, Coeur d'Alene, expressed thanks to Mr. Gridley for completing the sale agreement for the BNSF property. He hopes that the property be treated as more than a trail and/or skinny park, as it is a piece of a bigger effort of gaining water access. He believes the master planning needs to be a coordinated effort to make it the most feasible for the community. He is concerned that the Parks Department will not see this as a concerted effort to gaining access to the river.

**EXECUTIVE SESSION:** **Motion** by Gookin, seconded by Evans to enter into Executive Session as provided by Idaho Code 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.

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

The City Council entered into Executive Session at 8:03 p.m. Those present were the Mayor, City Council, City Administrator, Finance Director, City Engineer, and City Attorney. Council returned to regular session at 9:00 p.m.

**ADJOURNMENT: Motion** by Adams, seconded by Evans that there being no other business this meeting be adjourned. **Motion Carried.**

The meeting adjourned at 9:00 p.m.

ATTEST:

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Steve Widmyer, Mayor

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Renata McLeod, City Clerk

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