

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

February 19, 2013

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 Community Room February 19, 2013 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Loren Ron Edinger)	Members of Council Present
Mike Kennedy)	
Woody McEvers)	
Dan Gookin)	
Deanna Goodlander)	
Steve Adams)	Members of Council Absent

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

INVOCATION: Led by Pastor Ron Hunter, Church of the Nazarene

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

PRESENTATION OF ROAD SCHOLAR PROGRAM: Bruce Drewes, Manager of Idaho Technology Transfer Center, stated that his organization provides training and technical assistance to transportation employees. He presented awards to four City of Coeur d'Alene employees in honor of their completion of the "Road Scholar" program: Travis Galloway, Terry Leigh, Justin Kimberling, and Sharon Simon. Councilman Goodlander stated that her son recently noted how terrific our streets are maintained in comparison to where he currently lives in Utah. She said that we are spoiled her and thanked the crew for their good work. Councilman Edinger stated that our street crew is the best in the Inland Northwest.

PRESENTATION OF FALLEN HERO'S PLAZA VIDEO AWARD: Parks Director Doug Eastwood stated that the City's video regarding the Fallen Hero's Plaza received an award from the American Video Association. The first recognition was for Honorable Mention in the "Video Production Inspiration Category" and a "Gold" award for pro-bono production due to the in-kind contribution of Jeff Crowe in putting the video and narration together. Mr. Eastwood provided a history of the creation of the park and thanked those involved in the idea and development of the park including the Police and Fire Associations that helped fund the video, Fred Ogram for his research and design for the plaza, the Parks Foundation for helping raise funds, and Jeff Crowe at Bunkhouse Media. Mr. Eastwood played the video for the audience.

PUBLIC COMMENTS:

URBAN RENEWAL: Russell McLain, Kootenai County, stated that he moved out of the City to get away from the taxes and spending. He read Kathy Sims' book and does not understand how LCDC is still affecting his taxes even though he does not live in the City. He asked Councilman Goodlander to explain how Lakes Highway District is affected by LCDC by approximately 10%. Councilman Goodlander stated that all urban renewal districts affect county taxes and that how the money is being spent and acquired is a function of legislative direction. She offered to meet with Mr. McLain and go over the way the legislature has set up the urban renewal district. Mr. McLain stated that he thinks Post Falls is doing it differently and more appropriately. Councilman Kennedy stated he disagrees with the content of Ms. Sims' book and that he would be willing to sit down with Mr. McLain and Mr. Berns to go over urban renewal. Councilman Gookin stated that it is a legislative issue and that he believes Mr. Hayes at the County has the property tax information Mr. McLain is seeking.

PERSON FIELD: Bruce MacNeil, 524 N. 17th Street, stated that he was concerned about the Person and Bryan Field acquisition due to statements made by Councilman Edinger and Councilman Goodlander at the last City Council meeting. He hopes the City Council would consider fairness, consistency of support of neighborhood parks, and be assertive in the support of where and when neighbor parks can be achieved. As a city resident and taxpayer, he stated he would be willing to pay extra taxes for the acquisition of the two fields and believes others in the community feel the same way. He believes that the aggressive support of McEuen should be mirrored for neighborhood parks.

Lynn Schwindel, 735 4th Street, stated he believes the City should acquire the fields and be done with it. He has witnessed more people using Bryan Field on the weekends than at Phippeny Park and supports the City acquiring both properties for \$750,000.

CONSENT CALENDAR: Motion by Kennedy, seconded by Edinger to approve the consent calendar as presented.

DISCUSSION: Councilman Gookin stated that the Water Department did a great job at finding the pup trailer substantially under budget.

1. Approval of minutes for February 5, 2013
2. Approval of Bills as Submitted
3. Setting of General Services and Public Works Committees meetings for February 25, 2013 at 12:00 noon and 4:00 p.m. respectively.
4. CONSENT RESOLUTION NO. 13-010 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 CONTRACT WITH RC WORST & CO. INC., FOR LANDINGS WELL PUMP REHABILITATION PROJECT AND AUTHORIZING THE REQUEST TO PURCHASE A 1988 PUP TRAILER FOR THE WATER DEPARTMENT.
5. S-1-12 Cottage Grove First Addition, Final Plat

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

COUNCIL ANNOUNCEMENTS:

Councilman Gookin stated that he has been learning to run the video camera recording some of the public meetings and appreciates the work the video crew does for Channel 19.

ADMINISTRATOR’S REPORT: On February 6th, over 200 people participated in 3 presentations regarding Community Visioning by long-range planner Steven Ames. In a couple of weeks, Mr. Ames will report back to the City regarding how the community might proceed with a visioning project. The McEuen Park design is complete and is out for bids. The bid opening is now scheduled for March 5th at 10:00 a.m. with work to begin soon after. There will be a continued City Council meeting on March 7, 2013 at 5:00 p.m. The community should continue to expect Front Avenue to be closed from March, 2013 to November, 2013. There are a lot of current events happening at the Coeur d’Alene Library. The 25th Annual Writers Competition has begun. Entry forms and rules are available at the library or can be downloaded from the library website, www.cdalibrary.org (deadline for entries is March 31st.) Winners will be announced and cash prizes are awarded in each category and age group at a ceremony in May hosted by the Friends of the Coeur d’Alene Public Library. The City will be sponsoring a 2nd annual Development Forum on February 28th at 11:30 a.m., in the Library Community Room. The forum is an opportunity for the building community – developers, builders, architects, and engineers to dialogue with city development-related staff with the goal of sharing information and listening to the development community to enable us to improve our processes and responsiveness. The Water Department is starting on the first phase of construction of a new water well on Atlas Road just north of Hanley Avenue. The Water Department is also preparing for their first construction project of the summer. They will be replacing water service lines in portions of the Indian Meadows subdivision. People with concerns or questions can call the Water Department at their main number 769-2210. The City of Coeur d’Alene Arts Commission is seeking artists to participate in its “ArtCurrents” program. Information packets are available at City Hall, or online at www.cdaid.org. Artist proposals are due by 5:00 p.m., April 12, 2013. Additionally, the Arts Commission is seeking Artists for the Utility Box Beautification Project. Information packets are available at City Hall or online at www.cdaid.org. Artist proposals are due by 5:00 p.m., April 19, 2013. For more information, call Steve Anthony at 769-2249. City staff recently met with Sheriff Wolfinger to discuss what effects a Labor Day unlimited hydroplane race will have on the City, even though the event will be held out of the city limits. The City will not be the first responders; however, the event sponsors expect 30,000 to 100,000 visitors to the race that will come to and through Coeur d’Alene. The Coeur d’Alene Lake Drive acquisition discussion will come forward in March. Additionally, there has been discussion regarding the need for a contact person for the McEuen Park project for the neighborhood and business owners. This contact person would provide similar outreach to the Mid-town and Education Corridor projects. LCDC will be discussing this item, and possible funding, at their meeting tomorrow.

PUBLIC HEARING: WATER RATES/FEES: Water Superintendent Jim Markley informed the City Council that this item was originally heard at the January 2, 2013 City Council meeting. Due to some concern regarding the public notice, staff determined it was in the best interest of the City to hold another hearing. He stated that the consultant was available if anyone had specific questions. Councilman Kennedy requested that the City Council move forward without a presentation.

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

DISCUSSION: Councilman Gookin stated that he voted against the fee increases originally and would again, as he would like less of an increase in the rates. He stated that he did not feel that every item listed in the study is necessary at this time. Councilman Goodlander stated that the consultant has stated that our water system is in great shape because the City has invested in the system over time and has been ahead of the game. She stated that the citizens would not be asked to pay dramatic increases now or in the future due to the slow and steady investment in the system over time. She believes that this is an important practice to continue.

RESOLUTION NO. 13-011

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING THE RULES AND REGULATIONS OF THE COEUR D'ALENE WATER DEPARTMENT AS TO RATES, SCHEDULES AND CHARGES.

MOTION by Kennedy, seconded by McEvers to adopt Resolution 13-011.

ROLL CALL: McEvers Aye; Goodlander Aye; Gookin No; Kennedy Aye; Edinger Aye. Motion carried.

PERSON FIELD UPDATE: Finance Director Troy Tymesen stated that the School District has provided the City with an appraisal of Bryan Field and a counter offer to sell Bryan and Person Field for the total price of \$750,000. Mr. Tymesen reread the motion made at the January 10, 2013 meeting with the School District, which requested staff to allocate \$650,000 for the purchase of Bryan and Person Field subject to a legal deed restriction. At the same meeting, the School Board made a motion to sell both properties to the City for \$750,000 pending completion of the appraisal of Bryan Field. Mr. Tymesen reviewed the appraisal figures for Bryan Field, which was appraised at \$3.70 sq. ft. for a price of \$309,000 for the 1.91-acre parcel. The Appraiser did include a note stating, "A potential buyer would not buy the subject property without a substantial price discount, knowing the City may not approve a use that would close the park..." Mr. Tymesen is requesting the City Council to provide direction regarding the acquisition, noting that the two appraisals together would demonstrate a price of \$964,000 based on R-12 zone.

Councilman Goodlander asked for clarity regarding comparables provided in the Bryan Field appraisal. Mr. Tymesen stated that a recent comparable dated August 2012 (south side of Harrison Avenue east of Lincoln Way) was a 1/3 acre parcel at \$5.06 per sq. ft. zoned R-12. Additional comparables include a parcel at Government Way \$4.90 per sq. ft. (R-12); northeast and southeast corner of Bosanko and Cedarbloom (C-17) \$5.00 sq. ft.; John Loop \$5.07 per sq. ft. (C-17), West

Haycraft at \$3.70 sq. ft. and a parcel on Fruitland Lane \$4.57 sq. ft. (R-12.) Councilman Edinger asked how much property does the City own at Person Field and how much property did the City trade to the School District behind Lake City High School. Mr. Tymesen clarified the Person Field property is 3.2 acres and that the City traded approximately 6.8 acres behind Lake City High School. Councilman Edinger stated that the draft copy of the Land Exchange Agreement with the School District states that the City was to receive 3.9 acres at Person Field. Mr. Tymesen stated that the paper trail does note that the City was to receive the larger portion, but a second document amends that to clarify that the City would receive the 3.2-acre portion and the School District would keep the portion with the track. Councilman Edinger stated that he agrees that the City should own Person Field and believes the City had a good faith agreement with the School District in 1995 and the City was being a good partner by giving a portion of the field back to the School District without asking for compensation. He believes that the City Attorney has made comments that the price is too high, as the property should not have been appraised at an R-12 future use. Mr. Tymesen stated that he looked at what the City paid for the 15th Street property, which is why the negotiation team estimated a \$2.00 sq. ft. cost for parkland. Mr. Tymesen clarified that at \$2.00 sq. ft. for the Person property would be \$327,660. Councilman McEvers stated that the City looks at the property as a park; the School Board says that they want it to stay a park, but they appraised it at R-12 not as a park. He stated that he felt an easy way to fund the purchase of Person and Bryan Field would be to take it out of the McEuen budget. Mr. Tymesen stated that he could not take from the McEuen project budget as urban renewal is the major funding mechanism and neither parcel is in the urban renewal district.

MOTION by Kennedy, seconded by Gookin to accept the \$750,000 counter offer by the School District to purchase Bryan and Person Fields.

DISCUSSION: Councilman Kennedy stated that he does not like the way the acquisition of the fields came about and that this could be in litigation for years if the City Council does not move forward with the purchase. He believes the Council has debated the purchase long enough and the goal has been to keep this land in public ownership. He believes that the Finance Department can figure out how to allocate the resources so that the City Council can do the right thing by the taxpayer tonight. Councilman Edinger stated that he would vote against the motion because he believes that the Agreement from 1995 was for the betterment of the School District and the City would be paying for something that it already owns. Additionally, he thinks \$750,000 is too much and that \$2.00 per sq. ft. is a better price. Councilman Edinger asked where the City would come up with the \$750,000. Mr. Tymesen stated that he would use fund balance and potentially liquidate an old asset known as the old Library. Councilman Kennedy stated that he agrees with Councilman Edinger; however, it is time to cut the losses from an agreement from 18 years ago. He believes that the vote tonight is really a \$95,000 vote, as the City Council already approved \$655,000. Mayor Bloem stated that one of the goals of the City is to acquire great public spaces. She stated that she is saddened that it has come to this type of negotiation, as in good faith the City gave property to the School District and both entities agree that the properties should remain parks and therefore should have been appraised as parks or reduced to the park value. The obligation of the City is to acquire the property and keep it in the public realm. Mr. Tymesen clarified that he would need City Council support when the budget amendment comes forward. Councilman Goodlander stated that she does not believe that the School District has dealt fairly with the City, as

a result the citizens will double pay for public space which is not right. She stated that she would uncomfortably vote yes to the motion.

ROLL CALL: McEvers Aye; Goodlander Aye; Gookin Aye; Kennedy Aye; Edinger No. Motion carried.

EXECUTIVE SESSION: Motion by Gookin 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 at executive session does not satisfy this requirement.

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

The Council entered into Executive Session at 7:37 p.m. Members present were the Mayor, City Council, City Administrator, Deputy City Attorney, Finance Director, and Deputy City Administrator.

Matters discussed were the Coeur d'Alene North View Preservation lawsuit and a likely claim regarding a development approval. No action was taken and the City Council returned to its regular session at 8:17 p.m.

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

The meeting adjourned at 8:17 p.m.

Sandi Bloem, Mayor

ATTEST:

Renata McLeod,
City Clerk