

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

**December 3, 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 City Library Community Room December 3, 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     | ) |                            |
| Deanna Goodlander | ) |                            |
| Dan Gookin        | ) |                            |
| Steve Adams       | ) |                            |

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

**INVOCATION:** Pastor Fr. Roger LaChance, St. Pius X Catholic Church provided the invocation.

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

**MOTION:** Motion by Kennedy seconded by McEvers to add a presentation from JUB Engineers to the Agenda. **Motion Carried.**

**PRESENTATION: Project Poster Award for the Education Corridor Project:** Brad Marshall, J-U-B Engineers, Inc. stated that the Educational Corridor project has improved our city. It took years of planning and community input to complete and they recently had trees planted this year near the Hubbard entry sign which only enhanced the project further. The City and J-U-B, and Landmark Landscape are proud of the project and submitted for and received several awards including the Idaho Business Review Top Project, American Council of Engineering Companies ACEC Transportation category, Association of Idaho Cities Resilient Cities Awards, and Idaho Smart Growth Award for redevelopment. To celebrate the project they are providing the City with a framed project poster. Mr. Jon Mueller, Landmark Landscape, stated that the most recent award was from the American Association of Landscape Architects, (Idaho Montana chapter) who awarded the project based on the design. Mr. Dale Baune, J-U-B Engineers Inc., thanked the current and past City Councils for their support of the project. He stated that he enjoyed working with the City Council and staff who had stepped up to help resolve issues. The Mayor stated that Mr. Mueller was the President of the Landscape Architects Association at the state level two years ago and thanked them all for what they have done.

## **PUBLIC COMMENTS:**

Susan Snedaker, Coeur d'Alene, wanted to address the issue of maintenance of the downtown areas. She stated that the Don Miles report stated that maintenance was a very important item for the Downtown and said that the Downtown Association has needed to do more maintenance for sidewalks and light fixtures. She has personally paid \$800 to fix the sidewalk in front of her house. She expressed concern that if the Downtown Association wasn't responsible for their sidewalks, why should the residential citizens be responsible. She expressed concerns about the bricks downtown, light standards (not being painted), sidewalks, and banner columns. She stated that the City needs to do maintenance, but if the City is going to be responsible for the downtown they should pay for everyone.

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

1. Approval of Minutes for November 19, 2013.
2. Setting General Services and Public Works Committees meetings for Monday, December 9th at 12:00 noon and 4:00 p.m., respectively.
3. **Resolution No. 13-056** 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 AN AGREEMENT WITH LEGENDS PHOTOGRAPHY FOR YOUTH SPORTS AND AN AGREEMENT WITH HANDSHAKE PRODUCTIONS FOR A SUMMER CONCERT SERIES
4. Approval of S-2-13- Gilbert Tracts Final Plat.
5. Approval of SS-10-12- Loco Estates Final Plat.
6. Approval of S-3-12- Coeur d'Alene Place 21<sup>st</sup> Addition Final Plat.
7. Approval of a Cemetery Lot Transfer from Darryl Dollar to Tamra Holt, Lot E05, Block 15, Section F at Forest Cemetery.
8. Approval of a Beer/Wine License for the Fork@Lakeside, 309 Lakeside Avenue (New).

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

## **COUNCIL ANNOUNCEMENTS:**

Councilman Goodlander stated that the City has installed public art at the 4<sup>th</sup> Street roundabout. One of the Art Commission members, Barbara Mueller, made a video of the installation of the piece, which was shown. She stated that the piece is not bulky and does not impede traffic vision throughout the roundabout.

**ADMINISTRATOR'S REPORT:** Deputy City Administrator Jon Ingalls said that the city's annual leaf pick-up program, Leaf Fest, was a success. City street crews hauled 820 loads of leaves, totaling 2,174 tons. This was up from 662 loads hauled and 1,739 tons last year. Weather conditions were perfect this year, which contributed to the increased loads, and in addition, many trees are maturing in the subdivisions that were built in the last 14 years which has also led to an increase in loads, tonnage, and the time needed to complete the process. He

gave special thanks to Municipal Services Director Renata McLeod, Interim Police Chief Ron Clark, and Interim Parks Director Bill Greenwood for volunteering their time at the Food Bank handing out turkeys to those in need. The 4th & Kathleen Roundabout art piece was installed last Saturday. The piece, entitled “Umbrellas Gracilis” by Jennifer Corio and Dave Frei, was commissioned by the Coeur d’Alene Arts Commission and adds a touch of color and whimsy to the roundabout. The dedication of the art will occur in the spring. The City is hosting an Open House for outgoing Councilmen Mike Kennedy and Deanna Goodlander on Thursday, December 19th, from 2:00 p.m. to 4:00 p.m., at Coeur d’Alene City Hall, in the Old Council Chambers. The public is invited to come and say farewell and thank Councilman Kennedy and Councilman Goodlander for their outstanding service to the City of Coeur d’Alene. Cake & Punch will be provided. The Mayor mentioned that the picking up of the leaves has prevented phosphorous from flowing to the lake.

### **RESOLUTION 13-057**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH DAVID TONNESEN FOR PUBLIC ART AT THE 3RD STREET ENTRANCE TO MCEUEN PARK.

**STAFF REPORT:** Recreation Director Steve Anthony stated that he has presented public art several times and he gets several calls regarding each piece. He further noted that about 80% of the people driving by the day the art piece was installed on 4<sup>th</sup> and Kathleen Avenue gave the thumbs up. He stated that when it comes to art you will never make everyone happy. Regarding the piece for 3<sup>rd</sup> Street, the Arts Commission received more public input on this piece than any other previous project, as the Commission allowed 6 weeks of public input. Jennifer Drake served as the chairperson of the art project and stated that the best thing about the process was a new online system called CaFé. This system was a lot easier for artists and it expanded the art pool nationally. They received 180 proposals which the committee narrowed to 100, then to 25 and finally to the top 4. During the McEuen Open House they invited citizens into the Library to make comments. This piece had the most number one votes and pages of comments.

**DISCUSSION:** Councilman Kennedy stated that he has been asked two main questions regarding public art; one is why we are not using only local artists and the other is why the art is not representing northwest culture. Ms. Drake stated that they use various artists to avoid monotony and creation of similar pieces. She stated that regardless of where people are from they have a different opinion of art and that not everyone who lives here is from the northwest. Councilman Kennedy stated that there is a big bear in the roundabout in his neighborhood and that the call in the Education Corridor specifically called for Native American art which ended up with a modern twist. He stated that it was obvious that the pieces that inspired the committee came to the top each time and they did a good job of taking public comments. Mr. Anthony stated that one of the goals for the Art Master Plan was to have a diverse art collection and the Arts Commission has done a good job of doing a little bit of everything. Councilman Goodlander thanked Ms. Drake for her time with the committee and stated that this piece does not impede the view corridor and asked for an explanation of the art piece. Ms. Drake stated that the “Allium Spring Chorus” piece is actually a wild onion that is native to Idaho. The artist

stated that it also reminded him of frozen fireworks, which he felt was appropriate for Coeur d'Alene.

Councilman Goodlander asked about the other art pieces that are currently on display in the Library. Mr. Anthony stated that there are four bronze pieces on display for the confluence in McEuen Park. He stated that citizens can make public comment through this Friday.

Mr. Anthony stated that the proposed piece is low maintenance. Councilman Edinger stated that art is in the eye of the beholder and he admits he does not know a lot about art, but is disappointed in the piece. He believes that the entry way at Third Street, with the docks, Tubbs Hill and the park would have been a great place for something with more historic value than this piece. He felt that the community is losing too much of its history and he will vote against this item. Mr. Anthony stated that they did not give direction to the committee to look for something historic, nor did they include it in the call to artists. For this piece they were seeking something durable that would fit in the park area. Ms. Drake stated in the first round of voting the selection committee members did not know how each other were voting and these pieces came to the top four very easily. Councilman Gookin stated that he is concerned with maintenance as the natural design lends itself to having items stick to it. Mr. Anthony stated it is like the backstops, which he has only had to clean out approximately 0 times in his entire career, so he does not think it is an issue. Mr. Kennedy stated that during the McEuen weekly meetings with engineers and architects he recalls various design elements and items within the park that are a testimony to the history of the community, and believes more will reveal itself when the park opens and feels it will be integrated well. Councilman Edinger felt that with the McEuen Park and Third Street boat launch controversy, the commission should have made a suggestion to bring the historical value to the entry way. Ms. Drake stated that they did provide the background of the area to the artist to use as they wished.

Councilman Adams stated that he concurs with Councilmen Edinger and Gookin regarding their concerns. He questioned if the art has to be just because it was budgeted and wondered if the money could have been used for something else like trees. Councilman McEvers stated that originally they just did chainsaw art when a tree fell down. He stated that the City has come a long way since chain saw art, and that some like it and some do not, and if you are talking about it, then it is doing its job. He believes this piece is doing its job and he will support it.

**MOTION:** Motion by Kennedy, seconded by Goodlander to adopt Resolution 13-057.

**ROLL CALL:** Goodlander Aye; Gookin No; Kennedy Aye; Edinger No; Adams No; McEvers Aye. **Motion carried** with the Mayor breaking the tie vote with an affirmative vote.

## **WHITEWATER LANDSCAPING AT RIVERSTONE**

**STAFF REPORT:** Interim Parks Director Bill Greenwood stated that this is an opportunity to expand the park land by about 1.5 acres. Whitewater Development is working on a project in Riverstone next to the trail and city land referred to as the "saw tooth" piece, and recently made a proposal to the Parks Commission. This proposal would include a dog park and a xeriscape landscape area, which would require limited water and maintenance with signage explaining the

plants. Mr. Greenwood stated that he would review the proposed trees to insure that they would blend with the dog park. The Parks Department currently mows the saw tooth area 6-8 times a year and Whitewater has agreed to level and plant low maintenance grass in the area to make it easier on the Parks Department. The park area would include a gazebo that would encompass the education information regarding the plant material.

**DISCUSSION:** Councilman Kennedy stated that there was support for the concept at the Parks & Recreation Commission meeting with a question regarding costs to ensure that the City would be getting a fair value. He clarified that there is no cost to the General Fund for this project and wanted to make sure that Mr. Greenwood's comfort level was high. Mr. Greenwood stated that Whitewater provided a detailed budget and he feels comfortable with the costs and that the City would get their value.

Councilman McEvers wanted more information regarding what is surrounding the park area. Mr. Greenwood stated that currently it is an area next to the Centennial Trail and that users will be those using the trail and the dog park and that there is a residential development abutting the park area. Councilman McEvers asked if this would be a place for people to picnic. Mr. Greenwood stated that the gazebo is for education purposes. Councilman McEvers asked if the Park's Department has done an education park before. Mr. Greenwood stated that the Water Department has done something, but not the Parks Department. Councilman Gookin asked if this was the city's property that was never used due to its shape. Mr. Greenwood confirmed that due to its shape it was never thought about before. Councilman Gookin stated that he likes the xeriscape idea and combining a park like this for an educational opportunity off of the trail is a great place. Councilman Goodlander asked if the access is only along the trail or park off of Susan Street. Mr. Greenwood clarified that there would be access from Susan Street and the parking lot of the development. Councilman Goodlander stated that she has a concern that this is hidden from the general public's view by the apartments and only accessed by the Centennial Trail or the apartment parking lot and most people will not know it is public access. She questioned how to protect this park from graffiti, etc. Mr. Greenwood stated that he is not that concerned about it and does not experience graffiti at Riverstone or Ramsey, but small amounts of graffiti happen at all parks and there is a high amount of users along the trail even in the winter. He will continue to promote it as a public park. Councilman Kennedy stated that he also had that thought and it reminds him that Mill River park is more remote and off the beaten path and has not had any issues. Councilman Edinger asked if he clearly understands that Whitewater is going to build the park with no cost to the City and maintain it. Mr. Greenwood stated that Whitewater is not going to maintain the park. They did offer to maintain it for a period of time; however, he was concerned they could not meet the Parks Department standards of maintenance and preferred the City do the maintenance. In exchange he has asked for a 5-year warranty of the park and a 1 year warranty on trees and shrubs. Councilman Edinger clarified that this is not going to cost the tax payers. Councilman Gookin stated that he thinks it's a good deal and a neat way to put a park in a useless area. Councilman Adams stated he liked the proposal.

**MOTION: Motion** by Kennedy, seconded Edinger by to approve the landscape design/proposal from Whitewater for a pocket park at Riverstone. **Motion carried with Goodlander voting no.**

**RECESS:** The Mayor called for a 5-minute recess at 7:08 p.m. The meeting resumed at 7:13 p.m.

## **SIDEWALK POLICY AMENDMENT**

**STAFF REPORT:** Deputy City Administrator Jon Ingalls stated that he wanted to start with the topic of responsibility for the sidewalks based on the public comment received tonight. In 2007 the City Council created the ADA Hazard Abatement program policy that kept the responsibility of the sidewalks with the abutting property owner. However, since that time the ADA abatement program, using Street Department staff, has repaired sidewalks throughout the City. It is comparable to the street overlay program, in that it is never ending. In 25 years the City would work through the town, and then start over again. He stated that the downtown is no different than anywhere else. He clarified that he is not asking the City Council to change the policy, in that the responsibility would continue to lie with the LID/BID areas, just as it does with the residential zones. The staff team who has been working on this program remembers the City Council direction to avoid the downtown area. The question today is whether it is time to go into the downtown area and if the City Council wants to enter into a partnership with LCDC and the Downtown Association to use the street crews to get the sidewalks into compliance? The crew has had a lot of experience with in-field fitting since the program started. He stated that project area would be the BID area; basically Lakeside and Sherman, 7th Street to 1<sup>st</sup> Street up the side streets. This proposal would not include a detailed scope of work prepared by an outside agency but, rather, the crew would field fit. He stated that corners provide a specific problem as we ask a property owner to fix it at a much higher cost with the need for pedestrian ramps, when it is part of the entire sidewalk system, which the entire block benefits from. Therefore, we would ask LCDC to step up and provide funding for the corners. There will be some trees that need to be removed, but several trees are fixable. He provided an overview of costs that included the existing annual ADA program allocation over two years and a request to LCDC for \$70,000 and a request to the Downtown Association for \$30,000, both to be paid over a two year period.

**DISCUSSION:** Councilman Goodlander stated the original LID was 20 years ago and paid for by the downtown property owners, and that this was the highest ever voluntarily paid LID. This project would assist them in upgrading and bringing the sidewalks into code. She believes this is necessary as people are falling and getting hurt.

Mayor Bloem asked Mr. Gridley if she should recuse herself as a downtown property owner. Mr. Gridley stated that if her sidewalk would be fixed through this project she should. Mayor Bloem recused herself and turned the meeting over to Council President Kennedy.

Councilman Adams asked if he understood correctly that the City would not be hiring a firm to design the project, but rather these repairs would be done individually through the use of the City street crew without additional costs, such as engineering. Mr. Ingalls stated that by not contracting it out the City avoids having to go out and get plans and specifications at \$40,000 or more. The crew will work with the businesses and work to mitigate interferences of the project. Mr. Edinger stated that he has watched the street crews do other sidewalk projects and they do a great job and know what they are doing. He recalled that the City Council agreed to give

homeowners that needed a sidewalk repair some assistance, but could not recall the specifics. Mr. Ingalls stated that while it is still a risk assessment for a homeowner, if they decide to enhance the sidewalk abutting their property they can request a \$500.00 incentive from the City. Councilman McEvers stated that when this program started there were some bad areas in town and now we are to a point that downtown is really messed up and the most amount of people are using those sidewalks. He agreed that everyone sharing in the cost helps to finalize the project.

Councilman Edinger called for the question. **Motion carried.**

**MOTION:** Motion by Goodlander, seconded by Edinger to authorize staff to move forward with seeking funding, in addition to the City funding, from the Downtown Association and the Lake City Development Corporation for the proposed downtown sidewalk project. **Motion carried.**

**MOTION:** **Motion** by Gookin seconded by Adams to direct staff to schedule a workshop regarding the sidewalk policy and sidewalk maintenance.

**DISCUSSION:** Councilman Kennedy stated that this item should wait until the new City Council comes on board in January. Mr. Gridley stated that if the meeting is not going to be held until next year, the motion should be made next year. Councilman Edinger stated that if the motion passed, there would still be four Councilmen who are serving next year, so he felt the motion should pass. Councilman Adams thought it was a great idea to have the meeting.

**Motion Carried.**

#### **ACCEPTANCE OF THE CANVASS OF VOTES**

**MOTION:** Motion by Goodlander, seconded by Gookin to accept the canvassed election results as presented by Kootenai County and that the results be reflected in the minutes of this meeting. **Motion carried.**

**Coeur d'Alene City**

| Precinct         | Mayor           |             |               | City Council Seat #2 |              |
|------------------|-----------------|-------------|---------------|----------------------|--------------|
|                  | Joseph B. Kunka | Mary Souza  | Steve Widmyer | Amy Evans            | Chris Fillos |
| 37               | 0               | 18          | 21            | 22                   | 18           |
| 38               | 18              | 155         | 224           | 221                  | 169          |
| 39               | 10              | 143         | 181           | 181                  | 143          |
| 40               | 5               | 149         | 156           | 154                  | 149          |
| 42               | 2               | 72          | 102           | 98                   | 70           |
| 43               | 2               | 143         | 172           | 156                  | 148          |
| 44               | 2               | 89          | 114           | 118                  | 83           |
| 45               | 4               | 92          | 72            | 90                   | 76           |
| 46               | 2               | 174         | 162           | 166                  | 169          |
| 47               | 3               | 199         | 179           | 176                  | 198          |
| 48               | 3               | 56          | 74            | 78                   | 53           |
| 49               | 3               | 108         | 108           | 123                  | 93           |
| 50               | 2               | 78          | 106           | 107                  | 77           |
| 51               | 2               | 46          | 60            | 56                   | 46           |
| 52               | 4               | 93          | 100           | 105                  | 90           |
| 53               | 5               | 92          | 99            | 102                  | 86           |
| 54               | 1               | 76          | 162           | 156                  | 81           |
| 55               | 4               | 60          | 134           | 129                  | 65           |
| 56               | 2               | 55          | 121           | 124                  | 48           |
| 57               | 0               | 72          | 99            | 102                  | 63           |
| 58               | 2               | 79          | 191           | 195                  | 75           |
| 59               | 4               | 43          | 101           | 108                  | 38           |
| 60               | 3               | 55          | 91            | 90                   | 58           |
| 61               | 0               | 19          | 27            | 33                   | 13           |
| 62               | 1               | 54          | 53            | 48                   | 57           |
| ABS 72           | 48              | 1336        | 1810          | 1861                 | 1298         |
| <b>Co. Total</b> | <b>132</b>      | <b>3556</b> | <b>4719</b>   | <b>4799</b>          | <b>3464</b>  |

**Coeur d'Alene City**

| Precinct  | City Council Seat #4 |               |               | City Council Seat #6 |               |             |
|-----------|----------------------|---------------|---------------|----------------------|---------------|-------------|
|           | Amber Copeland       | Sharon Hebert | Woody McEvers | Noel Adam            | Gary Herfurth | Kiki Miller |
| 37        | 2                    | 19            | 19            | 15                   | 2             | 22          |
| 38        | 32                   | 153           | 205           | 147                  | 17            | 223         |
| 39        | 25                   | 123           | 173           | 119                  | 25            | 175         |
| 40        | 29                   | 133           | 141           | 135                  | 15            | 154         |
| 42        | 13                   | 70            | 89            | 67                   | 10            | 93          |
| 43        | 26                   | 123           | 152           | 122                  | 14            | 171         |
| 44        | 15                   | 74            | 111           | 75                   | 9             | 116         |
| 45        | 28                   | 72            | 64            | 85                   | 12            | 67          |
| 46        | 22                   | 153           | 158           | 154                  | 26            | 154         |
| 47        | 34                   | 178           | 150           | 195                  | 17            | 159         |
| 48        | 14                   | 47            | 70            | 51                   | 7             | 73          |
| 49        | 20                   | 76            | 119           | 95                   | 14            | 105         |
| 50        | 12                   | 68            | 104           | 67                   | 7             | 110         |
| 51        | 12                   | 36            | 56            | 38                   | 7             | 58          |
| 52        | 27                   | 84            | 83            | 83                   | 11            | 99          |
| 53        | 20                   | 81            | 87            | 87                   | 14            | 87          |
| 54        | 19                   | 77            | 141           | 71                   | 5             | 159         |
| 55        | 16                   | 58            | 123           | 66                   | 8             | 121         |
| 56        | 16                   | 46            | 110           | 45                   | 5             | 121         |
| 57        | 18                   | 57            | 91            | 64                   | 7             | 97          |
| 58        | 27                   | 73            | 172           | 65                   | 9             | 198         |
| 59        | 12                   | 32            | 102           | 37                   | 8             | 101         |
| 60        | 12                   | 48            | 82            | 43                   | 7             | 97          |
| 61        | 10                   | 10            | 25            | 13                   | 0             | 32          |
| 62        | 15                   | 47            | 42            | 46                   | 5             | 52          |
| ABS 72    | 180                  | 1300          | 1685          | 1234                 | 122           | 1800        |
| Co. Total | 656                  | 3238          | 4354          | 3219                 | 383           | 4644        |

**Coeur d'Alene City**

Several Precincts ran out of ballots on Election day and were taken Absentee ballots to be voted.

| <u>Precinct</u> | <u>ABS ballots</u> |
|-----------------|--------------------|
| 52              | 11                 |
| 55              | 3                  |
| 57              | 3                  |
| 58              | 14                 |
| <b>Total</b>    | <b>31</b>          |

**Absentee Voting Totals**

| Voided | Mail-out | Early |
|--------|----------|-------|
| 79     | 2264     | 913   |

**EXECUTIVE SESSION: Motion** by Goodlander, seconded by McEvers to enter into Executive Session as provided by I.C. 67-2345 §(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to

be evaluated in order to fill a particular vacancy or need; § (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:** Gookin Aye; Kennedy Aye; Edinger Aye; Adams Aye; McEvers Aye; Goodlander Aye. **Motion carried.**

The City Council entered into Executive Session at 7:38 p.m. Those present were the Mayor, City Council, City Attorney, Deputy City Administrator, and the Finance Director. Matters discussed were related to hiring a public officer and pending litigation.

**MOTION:** Motion by Kennedy, seconded by McEvers to direct staff to prepare an Easement and Settlement and Release Agreement with KXLY, as recommended by the City Attorney.  
**Motion Carried.**

City Council returned to regular session at 8:05 p.m.

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

The meeting adjourned at 8:08 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Renata McLeod, City Clerk