

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

February 17, 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 February 17, 2015 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)
Kiki Miller)
Amy Evans)
Loren Ron Edinger)

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

INVOCATION: An invocation was provided by Pastor Paul Peabody from Grace Bible Church.

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

AMENDMENTS TO THE AGENDA: Motion by Gookin, seconded by McEvers to amend the agenda to add Executive Session as allowed by Idaho Code Section 67-2345, categories (b) and (f), to address an employment situation that arose after the agenda was posted. **Motion Carried.**

IRONMAN UPDATE - Mac Cavasar, former Ironman Race Director, was pleased to announce that the Ironman athletes have rated the Coeur d'Alene venue at 98.5% satisfaction in comparison to other venues throughout the Country. The only item noted as missing for the community was the lack of public transportation. Ironman has signed an agreement to continue the race in Coeur d'Alene for another three years. The Ironman Foundation gave back \$80,000 in community grants; including \$10,000 to the Kroc Center and the Boys and Girls Club and \$30,000 various non-profits that hosted the aid stations. He clarified that the agreement calls for \$75,000 in-kind donations between the City and the Chamber. Mr. Cavasar introduced the new Ironman Coeur d'Alene Race Director Zack Ukich, who has previously worked for the Chamber and Ironman. Mr. Ukich stated that the community is like no other in their volunteerism. The race will be held on June 28, 2015 and Mr. Ukich clarified that the race routes will be the same this year. A couple minor adjustments include the movement of the Ironkids race to McEuen Park, with 750 to 1,000 kids expected. They will delay the street closure on Sherman from 1st and 2nd Avenue to Friday night at midnight prior to the race. Mayor Widmyer thanked Mac for all his work over the years and welcomed Mr. Ukich.

LEVEE UPDATE – City Administrator Jim Hammond apologized to the community for the lack of communication regarding the tree removals along the levee. He clarified that the results might not have been different with regard to tree removal; however, the City should have provided communication to the community and stakeholder groups and will do a better job in the future.

Laura Winters, Senior Project Engineer with Ruen Yeager & Associates, presented information regarding the history and process of flood works analysis and certification. She stated that the process included recommended improvements being submitted to FEMA that, once accepted, were implemented. Some recommended improvements were a closure by Harbor Center, construction of a flood wall by North Idaho Museum, and erosion and slope repairs. Once improvements are made a letter of map revision (LOMR) is submitted to FEMA with documentation and is considered the certification of the levee. Once FEMA accepts the LOMR it provides the accreditation of the levee. Ms. Winters also provided the timeline for certification and accreditation that will run through 2017.

Councilmember McEvers asked if Ruen Yeager has done this type of certification before. Ms. Winters stated that they had not. Councilmember McEvers asked what would happen if the City ignored the project and just left the levee alone. Ms. Winters stated that if the City abandoned the project it would lose accreditation and it would be federally required that the properties protected by the levee have mandatory flood insurance, which can be pricey. Additionally, FEMA would be more reluctant to provide aid if there was a breach of the levee if it were unaccredited. Councilmember Gookin asked questions related to the number of trees and how it was determined which trees remained. Ms. Winters explained that Ruen Yeager provided the recommendation of which trees should be removed that was based on three categories; tree health, slope restoration, and breach of the levee. She clarified that the original assessments identified a numbers of trees be removed, and that more needed to be removed as part of the slope restoration efforts.

Mayor Widmyer asked about the size of the 1,100 trees inventoried at the start of the project. Ms. Winters stated that original tree inventory included some trees outside the zone of concern and some had a 2 inch diameter. Councilmember Gookin asked if the contract included recommendations for ongoing maintenance. Ms. Winters confirmed that there is a maintenance plan and that there should be an ongoing yearly assessment of the trees along the levee as part of the certification.

Councilmember Gookin asked for clarification as to when and why the ad hoc committee for the project was dissolved before the process was complete. City Engineer Gordon Dobler said that his understanding was that the committee had fulfilled their mission and dissolved under the prior City Administrator's guidance. Councilmember Miller asked if the LOMR recommendations are automatically accepted or will FEMA negotiate the recommendations. Ms. Winters stated that the LOMR will be about a 1,000 page document and will identify all of the technical conditions to certify the levee, many of which are spelled out in the Federal Code and other technical criteria. She explained that this process has evolved since the Army Corps is no longer providing the certification, and there will be an iterative process of answers and questions and/or providing clarifications and additional modeling.

Mayor Widmyer stated that in the beginning the Army Corp said that all the trees and vegetation needed to go, and the City negotiated to keep trees. The arborist from Ruen Yeager found 300 or so trees had health issues and needed to go. The community believed the City saved 700 trees without considering the two other elements; slope restoration and breach of the levee. This led to false hope and the City celebrated too soon. Ms. Winters felt the community was excited to not have to remove all of the trees; however, the geotechnical analysis was not complete at the announcement of the 350 tree removal number. Mayor Widmyer asked if there were any trees removed that should not have been. Ms. Winters stated that, in her opinion, there were not. Councilmember McEvers stated that he remembers that the options early on included the installation of a wall around the beach and that the Army Corp was not willing to negotiate the retainage of any trees. Mr. Dobler explained that a cutoff wall would have made it so that the levee was no longer needed but would have been a very expensive fix. Councilmember Miller asked if there was a possibility that FEMA would require additional tree removal. Mr. Dobler said it was possible, but he did not think it would happen. The top of the levee is private property and that property owner could remove trees if they wanted outside of the City's approval process, but that would not affect the accreditation. Councilmember Edinger asked about city ownership of the property. Mr. Dobler explained that the property is only city right-of-way with a maintenance easement. Councilmember Edinger asked what the saving was by having the Street Department conduct tree and stump removal. Mr. Dobler estimated the savings at approximately \$100,000 and explained that the City and NIC are partnering on the costs of the project.

CONSENT CALENDAR: Motion by Gookin, seconded by McEvers to approve the consent calendar.

1. Approval of Council Minutes for February 3, 2015.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for February 23, 2015 at 12:00 noon and 4:00 p.m., respectively.
4. Approval of a Beer/Wine License for Asian Twist; located at 226 W. Ironwood Drive, St. A8; Wenxun Li; NaiYuan Liu (New)
5. Approval of Cemetery lot repurchase from Frances Lawson, Lot 31; Block 02, Section N; Forest Cemetery
6. Approval of Cemetery lot repurchase from Bonnie McNamara (from the estate of Lehrer), Lot 11; Block 10, Section GAR; Forest Cemetery
7. Setting of a public hearing for March 17, 2015 for the Final Assessment Roll of LID 151; Front Avenue Improvement Project
8. **Resolution No. 15-006** - 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 AN AGREEMENT FOR SPOKANE RIVER STEWARDSHIP PARTNERS (SRSP) FUNDING / COST SHARING.

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

COUNCIL ANNOUNCEMENTS:

Councilmember Miller announced that there will be a presentation at the next Council meeting regarding the library joint project.

Councilmember Evans announced that “The Explorers” art piece has been installed in McEuen Park and has been designed to be interactive, which means that children are welcome to climb on the art piece. The “Allium Spring Chorus” piece is shedding some flowers, so the artist is sending a new replacement head. Additionally, there is a vacancy on the Arts Commission and she encouraged citizens to apply through the city web site www.cdavid.org/263/departments/municipal/volunteer-opportunities.

Councilmember Gookin said he was appreciative of Ironman being here and encouraged those renting their house and/or rooms to consider helping out the Chamber of Commerce. He reiterated that the city could have done a better job communicating regarding the levee tree removal and he would like to redo the road, enhance parking, and add ADA access to the water.

Mayor Widmyer asked for confirmation of the appointment of Virginia Tate to the Parks and Recreation Commission.

MOTION: Motion by Edinger, seconded by McEvers to approve the appointment of Virginia Tate to the Parks and Recreation Commission. **Motion Carried.**

APPROVAL OF GRANT APPLICATION FOR ACCEPTANCE OF PARTIAL FUNDING OF ONE POLICE OFFICER THROUGH THE IDAHO OFFICE OF HIGHWAY SAFETY

STAFF REPORT: Police Chief White explained that this grant would be a method to increase staff in the patrol unit in a fiscally responsible way. He provide statistics from 2014 including 42,822 calls for service, 1,952 of which related to accidents, 1,265 traffic offenses, and 643 DUIs that included 305 DUI arrests. Additionally, there were 70 incidents of impaired driving-related crashes in the City. He stated that there is currently an even a greater demand for police service and this partial funding source will assist the city in keeping the public safe. This new position would be in the traffic section and will enhance the traffic safety program by focusing on traffic safety education, DUI enforcement, traffic enforcement in high crash areas, and school zone safety. Although the Police Department must resubmit a grant application each year for the duration of this grant (3 years), it is very likely that the grant application will be accepted. In brief, this grant will fund 75% of a traffic officer’s wages and benefits the first year, 50% the second year, and 25% the third year.

DISCUSSION: Councilmember Gookin asked if a new vehicle would be needed. Chief White confirmed a vehicle would be needed as a car is not allowed under the grant, but it can be part of the City’s match. Councilmember McEvers asked what was included as part of the Patrol Officer providing education. Chief White stated that it would include public service announcements, school zone enforcement, and pedestrian safety.

MOTION: Motion by Evans, seconded by McEvers to authorize staff to proceed with grant application for acceptance of partial funding of one Police Officer through the Idaho Office of Highway Safety. **Motion carried.**

MCEUEN PARK RECONCILIATION SUMMARY PRESENTATION – Mayor Widmyer thanked Councilmember Miller for her efforts in gathering the information for this reconciliation for the benefit of the public. Parks and Recreation Director Steve Anthony stated that McEuen has been a big project over the years and he wanted to help provide the reconciliation with Councilmember Miller. He explained that the philosophy of the steering committee was to “think big”; as some items could not be funded and were put on a wish list. Councilmember Miller felt that this was a community project and wanted to ensure the community that no issues would arise at a later date. Mr. Anthony stated that there were several meetings to review the contract to insure the terms were fulfilled. The City holds \$15,000 in retainage to ensure completion of a few punch list and warranty work items. They were able to capture the wish list items for the future as funding is available. Mr. Anthony explained that there were five separate projects on-going at the same time as the park project; park amenities, parking structure, Front Avenue improvements, City Hall parking, and 2014 Front Avenue Centennial Trail project. Mr. Anthony reviewed the project budgets associated to each for a total cost of \$21,120,000 with the parking structure being the \$9,200,000 piece of the budget. Councilmember Miller stated that the Front Avenue project was slated to be completed and made sense to be finished in conjunction with the park and the City Hall parking project was an important piece as it provides RV parking and connectivity with the Centennial Trail. Mr. Anthony stated that based on meeting with staff and team McEuen it is felt that the contractual items are completed. It is hoped that the Foundation will continue to fund raise for the future addition of wish list items. Additional costs were added to the parking structure project as the Council decided to include boat parking stalls and the State determined the structure would need to be built to bridge standards, rather than road standards. The Front Avenue Centennial Trail project included donations and an LID to accomplish moving the trail off of Front Avenue. The Front Avenue and 3rd Street improvement project was pending for several years and made sense to be completed at this time and was included in the LID.

Councilmember Edinger asked what types of items were on the wish list. Mr. Anthony stated that there were historical signs, lighting, activities on the grass area, and more benches. Councilmember Miller stated there was a long list of vision items not included in the contract, which are now identified and included in the wish list so they are not forgotten and will be installed as funding allows. She stated that the original steering committee may be interested in creating a “Friend of the Park” foundation to fund raise for those wish list items.

Councilmember Edinger asked if any more tax payer money will be spent on McEuen. Mr. Anthony clarified that it will be maintained like any other park and funding would be discussed during the budget time for council consideration; however, no improvement dollars are being sought. Councilmember Miller wanted to insure the contract was closed after the work was completed and that warranty work would be done. Her one recommendation would be to include a city’s representative in the process to ensure that the City benefit is monitored throughout the process, but that is not a reflection on this project. Mayor Widmyer stated that he would like to

see youth soccer or football on the open green space area. He also asked that staff continue to communicate with the people who have been involved with the steering committee.

MOTION: Motion by Miller, seconded by Gookin to direct staff to draft a policy/procedure which would require an independent third party owner's representatives or project manager for large scale, high cost, and unique scope of work city projects. The policy would include financial and project characteristic parameters as recommended by staff.

DISCUSSION: Councilmember Gookin asked if having an owner's representative will save project costs or cost the city more money. Mr. Hammond says that in his previous experiences hiring project managers, it would provide an expertise to the project and insure the best project in a timely manner at the least cost. Councilmember McEvers asked if this would apply to projects like Government Way. Councilmember Miller felt that Government Way-type projects are within normal operations and she would like staff to discuss what type of projects would be unique or typical operations.

Motion Carried.

PUBLIC COMMENTS:

Linda Wolovich, residing in Coeur d'Alene, stated that she has a concern regarding that the dike road tree limbs have been trimmed too high and she will miss the shelter from the rain and sun. She hopes that the trees that have not been trimmed up can be trimmed lower.

Bev Moss, residing in Coeur d'Alene, stated that she had been prepared to speak on the tree removals and had a lot of questions; however tonight's presentation answered her questions and she appreciated the apology. She asked the Council to work to get the information presented out to the community.

Sara Pharris, residing in Coeur d'Alene, stated that Rosenberry Drive is the name sake of her Grandparents. The area around the road is sacred ground to her as part of her family history. She asked that going forward trees be persevered as available and stated that the trees capture the essence of who her grandfather was. She asked the Council to plant new trees along Rosenberry Drive. Mayor Widmyer stated that the city did some of work in-house, which provided a cost savings that can be used to make some improvements in the area.

Sandy Emerson, residing in Kootenai County, stated that although he currently lives in the County, he has been dedicated to the City and downtown for most of his life. He served on the dike road steering committee and it is appropriate to state that there was a miscommunication and agrees that there was a lot of effort put forward to preserve trees. He understands that engineers do what it takes to comply with regulations and applauds the city in doing what they could to preserve the trees. He hopes that native plants can be replaced, and benches, parking, docks, etc. can be installed. On another note, he thanked everyone for their amazing efforts on McEuen Park and feels that it is a park his grandchildren will love to play in. He looks forward to additional plants, the sun dial, and additional signage. He also stated that the seawall could use some character building (artwork, water feature) for the 20,000 boaters that come to the park.

MOTION: Motion by Gookin, seconded by Evans to enter into Executive Session as provided by Idaho Code 67-2345 § (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student, and § (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: McEvers Aye; Miller Aye; Gookin Aye; Adams Aye; Evans Aye; Edinger Aye.
Motion Carried.

The City Council entered into Executive Session at 7:43 p.m. Those present were the Mayor, City Council, City Administrator, City Attorney, Deputy City Attorney, and Police Chief. Council returned to regular session at 8:05 p.m.

ADJOURN: Motion by McEvers, seconded by Gookin that there being no other business this meeting be adjourned. **Motion Carried.**

The meeting adjourned at 8:05 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk