

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

July 5, 2017

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, July 5, 2017 at 5:15 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

**CALL TO ORDER:** Mayor Widmyer called the meeting to order.

**EXECUTIVE SESSION: Motion** by McEvers, seconded by Edinger to enter into Executive Session pursuant to Idaho Code 74-206A (a) - Considering a labor contract offer or to formulate a counteroffer; and (b) Receiving information about a specific employee, when the information has a direct bearing on the issues being negotiated and a reasonable person would conclude that the release of that information would violate that employee's right to privacy 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:** Gookin Aye; English Aye; Evans Aye; Edinger Aye; Miller Aye; McEvers Aye.  
**Motion carried.**

The City Council entered into Executive Session at 5:17 p.m. Those present were the Mayor, City Council, City Administrator, Deputy City Administrator, Human Resource Director, and City Attorney. Council returned to regular session at 6:10 p.m.

**INVOCATION:** Pastor Tim Remington with The Altar Church provided the invocation.

**PLEDGE OF ALLEGIANCE:** Councilmember McEvers led the pledge of allegiance.

**COEUR D'ALENE POLICE PHLEBOTOMY PROGRAM:** Police Chief Lee White explained that the program is intended for situations wherein a person refuses to provide a breath sample for DUI. He clarified that it does require a warrant first. In the past, the process would include a person being taken to jail, then to the hospital, then back to the jail. The only thing that changes in this program is the person who obtains the draw and no transportation to the hospital.

Officer Knoll noted that this program has been going on throughout the country for over 20 years, so while it is new to the City of Coeur d'Alene it is not a new law enforcement tool. He noted that within the city limits the department annually conducted 352 DUI arrests. Twenty-three percent of those arrests involved blood alcohol content (BAC) of above .20, which is determined to be excessive. Thirty-five of the arrests were refusals, which is about 24% of the total arrests. He noted that the goal is to reduce DUI's and provide a deterrent to people who might choose to drive impaired. It should aid in successful prosecution as DUI's are heavily litigated but the code is clear that for alcohol a BAC of .08 and greater is a DUI, and a BAC of .079 and below is not. The blood draw provides evidence necessary to prove DUI, is a timesavings for staff, and provides accurate evidence. In DUI cases evidence disappears at .015 per hour, and processing a search warrant may delay collection of evidence up to three hours. The lab is also able to test for active THC through blood. Officer Knoll noted that Kootenai Health does charge the department a fee to conduct blood draws. Officer Knoll reviewed the training requirements for the police program, as well as the ongoing requirements of continued education. Chief White noted that the program is intended for limited use in significant cases, does require a search warrant signed by a Judge, and the only change is the person performing the task. Councilmember English noted that an important element is the timing of collecting the evidence and felt it was a benefit that officers will not have to spend time transporting the person to and from the jail. Councilmember McEvers asked how many of the DUI arrests this year would have fallen into this program. Mr. Knoll stated that the 24% that are refusals; however, almost 75% cooperate and would not fall into this program. Councilmember McEvers asked if this would create a minimum manning issue. Chief White explained that if they have to get a search warrant, then the phlebotomist could be called in during that time. He also noted that the traffic patrol officers have received the training. Councilmember Gookin agreed that this would save time from taking people from the jail to hospital, but wondered why the jail staff was not doing the program. Chief White noted that the County Sheriff's Department is watching how it goes with the City and have expressed some interest. Councilmember Miller asked about the legal challenges that might come forward in Idaho. Chief White felt that since a search warrant is required prior to the draw it makes it a clear legal process. If they encountered someone that is combative, the person would be warned and then likely charged with obstructing.

**PRESENTATION OF ASSOCIATION OF IDAHO CITIES AWARDS** – City Administrator Jim Hammond noted that the Association of Idaho Cities has awarded the City two awards for innovation in government. The first award was given for the Police Department's Community Action Team program. This team looks at specific problems or reoccurring issues within the community. Chief White introduced the Community Action Team to include Sergeant Jeff Walther, Officer Joe Sholten, Officer Jon Cantrell, Officer Jake Pleger, and Officer Spencer Mortensen. Deputy City Administrator Sam Taylor noted that the second award was for the Lake City Public Library program, which offers services at the Lake City High School. This program offers many library resources to our citizens in the northwestern part of town. Library Director Bette Ammon thanked the Council for voting to support the program a year ago. She noted that Councilmember Miller was a key figure in integrating partnerships, which allowed this program to come to fruition.

**CONSENT CALENDAR: Motion** by McEvers, second by Edinger to approve the consent calendar.

1. Approval of Council Minutes for the June 20, 2017 Council Meeting.
2. Approval of Bills as submitted and reviewed for accuracy by Finance Department
3. Setting of Public Works Committee and General Services meetings for July 10, 2017 at 12:00 noon and 4:00 p.m. respectively
4. Approval of a Cemetery Lot repurchase from Bruce B. Ecord; Lot 31, Block F, Section Niche in Forest Cemetery
5. Approval of an Outdoor Eating Permit for Relic Smokehouse, 1901 East Sherman Avenue.
6. Approval of an Outdoor Eating Permit for Midtown Pub, 826 N. 4th Street.
7. Approval of a Beer, Wine, Liquor License for True 1210 Tavern, 1210 E. Sherman Avenue; Katie Newman (transfer of ownership from Jesse Jensen)
8. Approval of a Beer, Wine, Liquor License for Chinatown Restaurant, 512 W. Appleway Avenue; Christopher Gwan and Zhong Wei Gwan (transfer of ownership from Dragon House)
9. Approval of SS-4-17: Brown Estate Final Plat
10. Setting of Public Hearing – V-17-5 - request to vacate a part of Annie Avenue right-of-way adjoining the easterly boundary of Lot 11 & 12 of the Borah Third Addition to the City of Coeur d’Alene Plat for July 18, 2017
11. Resolution No. 17-045 - A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED AGREEMENTS WITH THE CITY OF COEUR D’ALENE AND OTHER ACTIONS, CONSISTING OF THE APPROVAL OF LAKE FOREST WEST 3RD ADDITION FINAL PLAT, ACCEPTANCE OF IMPROVEMENTS, MAINTENANCE/WARRANTY AGREEMENT, AND SECURITY – S.1.14, AND APPROVAL OF LAKE FOREST WEST 3RD ADDITION AGREEMENT TO PERFORM SUBDIVISION LANDSCAPE WORK.

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

**ANNOUNCEMENTS:**

Councilmember McEvers noted that Kootenai County Commissioner Marc Eberlein is present in the studio booth tonight. He is investigating how to produce meeting videos as a future option for the County. He thanked him for his time and interest. He also thanked the Parks Department for providing a temporary skate park.

Councilmember Miller thanked Street Department employee Terry Leigh for providing a loader in the Fourth of July parade, which she was able to ride on.

**A-7-16 - A PROPOSED 1.51 AC. ANNEXATION FROM COUNTY AS TO CITY R-3 AT THE NORTHERN END OF VICTORIAN DRIVE - PURSUANT TO COUNCIL ACTION DATED JANUARY 17, 2017**

**RESOLUTION NO. 17-046**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN ANNEXATION AGREEMENT WITH CLARENCE B. BROWN AND MARILYN BARNES BROWN, TRUSTEES, UNDER THE BROWN LIVING TRUST.

**MOTION:** Motion by Gookin, seconded by Edinger to approve **Resolution No. 17-046**, Annexation Agreement with Clarence B. Brown and Marilyn Barnes Brown, Trustees, under the Brown Living Trust, for the Northern end of Victorian Drive (known as the Brown Annexation).

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

**COUNCIL BILL NO. 17-1027**

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, A SPECIFICALLY DESCRIBED PORTION OF SECTION 17, TOWNSHIP 50, NORTH, RANGE 3 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 Gookin, seconded by McEvers, to dispense with the rule and read **Council Bill No. 17-1027** once by title only.

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

**MOTION:** Motion by Gookin, seconded by McEvers, to adopt **Council Bill 17-1027**.

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

**ZC-1-17- ZONE CHANGE FROM LM (LIGHT MANUFACTURING) TO CITY C-17 (COMMERCIAL AT 17 UNITS/ACRE) ZONING DISTRICT AT 505 W. KATHLEEN AVENUE - PURSUANT TO COUNCIL ACTION JUNE 20, 2017**

**COUNCIL BILL NO. 17-1028**

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY REZONING THE FOLLOWING DESCRIBED PROPERTY FROM LM (LIGHT MANUFACTURING) TO C-17 (COMMERCIAL AT 17 UNITS/ACRE), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- 4.1 ACRE PORTION OF A PARCEL LOCATED AT 505 W. KATHLEEN AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

**MOTION:** Motion by Gookin, seconded by McEvers, to dispense with the rule and read **Council Bill No. 17-1028** once by title only.

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

**MOTION:** Motion by Gookin, seconded by McEvers, to adopt **Council Bill 17-1028**.

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

**DISCUSSION REGARDING THE MOVEMENT OF THE PUBLIC ART PIECE ENTITLED THE "FORK."**

**STAFF REPORT:** Mr. Taylor noted that the public art piece entitled "Fork" was placed with the intent to serve mid-town bike parking. Since its placement it has been damaged several times, include one hit and run vehicle strike. He is seeking direction on behalf of the Arts Commission. The Arts Commission decided to replace the art south of the original location. Since that placement at the new location, the abutting building owner and tenants expressed a desire to move the piece. The Arts Commission reviewed the request and determined that the best placement of the piece is at this location as they wish to avoid movement based on reaction to certain pieces. Mr. Taylor noted that the question is where these pieces work best for the public. One concern is the removal of the future opportunity for outside eating, if the business use changes to a restaurant.

**DISCUSSION:** Councilmember Evans noted that the Arts Commission wanted to leave the piece in the Lake District as the urban renewal funds paid for the piece. Mr. Taylor noted that the business owner has made the request for removal and the code allows Council to make a determination on placement and removal of public art. Councilmember Gookin asked if there

was a history of moving art based on public input. Mr. Taylor noted that when the feathers were placed there was discussion as to whether or not it was good art and clarified that movement of art is a policy decision of the Council. Councilmember Gookin said that this would set a precedent for others to come forward to move pieces and that he would like to move forward with the Art Commission recommendation. Councilmember Evans reiterated that there are limited venue sites within the Lake District. Mayor Widmyer noted that as a small business owner himself, he is called upon to maintain and shovel the sidewalk and feels that if a small business does not want the art at its entrance, then the City should listen to them. Councilmember McEvers felt that the difference is that midtown has much wider sidewalks that were intended for unique art. He also believes it would be a precedent to allow art to be moved if no one likes the art piece and he would support the Arts Commission recommendation to leave it in its current location. Councilmember English noted that he goes to the barbershop near the piece regularly and likes it there. He also feels that it would be dangerous territory if businesses veto art decisions. However, they should have an opportunity to give input, but it is important to let the Commission guide the process. Councilmember Miller noted that she is also a small business owner and has to get permits to put things on the sidewalk. She asked if the Arts Commission has gone with the approach of contacting the business or public and seeing who wants the piece at their business. Mr. Taylor explained that this is the first time they have attempted to engage local businesses. Councilmember Gookin asked if the building owner wants to open a restaurant could we move the piece at that time. Mr. Taylor noted that the art policy has language that that the Council has the authority to authorize movement of art pieces.

**MOTION:** Motion by Edinger, seconded by Gookin to approve the Art Commission's recommendation to leave this artwork at its current location.

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

#### **RESOLUTION NO. 17-049**

#### **A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ACCEPTING THE BID OF CAMERON-REILLY, LLC, FOR THE CONSTRUCTION OF THE MEMORIAL PARK AND CITY/COUNTY SHARED PARKING LOT.**

**STAFF REPORT:** Parks and Recreation Director Bill Greenwood noted that a bid opening was held June 30, 2017 and two bids were received. Bids came from Cameron Reilly, LLC and T. La Riviera, with Cameron Reilly, LLC. submitting the lowest responsive bid. He noted that there was some savings for grading that has already occurred; however, there were some overages in the project such as movement of the field lights. Additional costs included the placement of overhead electrical lines to be buried. He reviewed some of the equipment to be supplied by the City. He noted that the architect drafted a flush toilet facility styled like the Harbor House and it was three times higher in cost. Additionally the gazebo was highly priced; therefore, staff is rejecting those alternates. He noted that the project budget would be short approximately \$366,690. He recommends approval of the bid of Cameron-Reilly, LLC for \$1.8 and add alternate B contingent upon Ignite funding.

**DISCUSSION:** Mayor Widmyer clarified that the \$366,690 needed funding would be a cost split between the City and Ignite, with a request to Ignite for \$183,345. The City will fund their portion through other funds such as storm water utility, and parks capital improvement fund. Mr. Greenwood noted the original partners and their original funding commitments. Mayor Widmyer clarified that the \$200,000 originally committed to the skate park is being held in reserve for construction next year. Councilmember Miller asked why the city would not seek the entire cost overrun from Ignite. Mr. Greenwood said he felt it was important for the City to be a partner in these costs.

**MOTION:** Motion by McEvers, seconded by Edinger to approve **Resolution No. 17-049**, award of bid to Cameron-Reilly, LLC for Memorial Park and City/County Shared Parking.

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

**LEGISLATIVE PUBLIC HEARING: AMENDMENT TO FEES FOR PARKING AT INDEPENDENCE POINT.**

#### **RESOLUTION NO. 17- 048**

**A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ESTABLISHING AND AMENDING CERTAIN CITY FEES.**

**STAFF REPORT:** Mr. Taylor explained that this increase would help fund the downtown ambassador program in partnership with Parks and Police Departments. This program will help people downtown, provided a friendly face to tourists, and help with parking issues. They are currently working on a pilot program.

Mayor Widmyer called for public comments and with none being heard, public comment was closed.

**PUBLIC COMMENTS:**

**DISCUSSION:** Councilmember Gookin noted that he had viewed the pilot program in action and asked for an update. Chief White noted that at one point he was in the “gator” leading the ambassador program. They have currently used some people from the Explorer Program and are paying them out of some of his personnel savings. The ambassadors are very helpful to explain city park rules and point out parking opportunities and/or report any suspicious activities. They have received training from Captain Hagar. Councilmember Gookin asked where they would patrol. Chief White noted that they could travel from the NIC area, through City Park to the Tubbs Hill entrance at 11<sup>th</sup> Street. Councilmember Gookin asked about the consistency of the city lots having the same fees and asked if this will be a different rule from all other lots. Mr. Taylor noted that the 2016 amendment to fees created consistent fees, and the only uniqueness is that the first two hours are free at McEuen. This is the lot that most of our visitors are parking in and that lot fee will help to fund a visitor program. Mayor Widmyer noted that this is a premium

parking lot and felt it would be a reasonable user fee. Councilmember Miller expressed concern that there should be consistency within the city lots. Additionally, she noted that Memorial Park will come on line just across the park from Independence Point and wondered if there had been consideration to increase the fee at other premium location parking lots. Mr. Taylor noted that there has not been that discussion to date. He explained that over time, the city would use more technology that is more expensive to purchase and maintain and this will aid in building up the parking fund. Mayor Widmyer noted that the downtown parking facility would be open next year that will add 370 spaces to downtown and the City will have to look at the entire parking inventory at that time and should review all fees at that time.

**MOTION:** Motion by McEvers, seconded by Evans to approve **Resolution No. 17-048**, amending for parking at Independence Point.

**ROLL CALL:** English Aye; Edinger No; Evans Aye; Miller No; McEvers Aye; Gookin No.  
**Motion carried with the Mayor voting in the affirmative.**

**RECESS: Motion** by Gookin, seconded by English to recess to a Council Budget Workshop on July 12, 2017 at 8:30. a.m. in the Library Community Room located at 702 E. Front Avenue.  
**Motion carried.**

The meeting adjourned at 7:28 p.m.

ATTEST:

\_\_\_\_\_  
Steve Widmyer, Mayor

\_\_\_\_\_  
Renata McLeod, CMC, City Clerk