

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

August 5, 2014

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 August 5, 2014 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

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

THORCO FIELD PRESENTATION: Interim Parks Director Bill Greenwood stated that the community is great due to people that volunteer and help out with the community projects, including those that donate land and money for those projects. One example of a great community project is the baseball field at Ramsey Park, as it included a donation from Thorco, Inc. As such, Mr. Greenwood presented Jim Thorpe with a plaque in honor of Thorco's donation to the City for Ramsey Park. The field has been named Thorco Field in their honor.

PUBLIC COMMENTS:

Matt Deerfield, Coeur d'Alene, stated that he recently read an article regarding the \$1.2 million allocated for a new transit station for the local bus service. He expressed concerns regarding the previous cuts to the routes. He stated that there are a lot of working poor in Idaho and a large need for the bus service, especially those that are disabled and unable to drive. He would like to see the bus hours and service increased. He hopes the Citilink group will connect with STA out of Spokane, as that would increase the bus service. Councilmember Gookin stated that KMPO group oversees Citilink and he will bring these concerns up at the next meeting.

Chet Gaede, Coeur d'Alene, expressed excitement that the City has the opportunity to purchase the BNSF railroad property and that the City Council is lucky that a large amount of work and community involvement has already taken place. He requested the Council take their time in entering into Memorandums of Understanding with adjoining land owners and would like them to seek public input regarding property trades. He encouraged the Council to utilize existing committees.

Bryan Lewis, Coeur d'Alene, expressed concern regarding the future expansion of the park in Mill River. There are new apartments in the neighborhood which has increased the number of people using the park. Due to the fact that there are only 13 parking stalls for the park, many vehicles are parked illegally daily. He is concerned that additional use of the park will increase potential vehicular/pedestrian conflicts. He stated that there has already been increased crime in the area, and that the neighborhood does not have a large police presence. This park is a neighborhood-centric park and he would like it to remain that way, and requested a possible speed limit reduction. Mayor Widmyer encouraged him to be involved in future planning meetings.

John Bruning, Coeur d'Alene, stated that he represents the Centennial Trail Foundation and encouraged the City Council to complete the purchase of the Burlington Northern property. There are several places along the route where one can see the area along the river, and it would be a much different route to experience than bicycling along Hwy 41, as he rode it the other day.

David Barger, Coeur d'Alene, recommended that citizens listen to republicbroadcasting.org.

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

1. Approval of Council Minutes for July 15, 2014, July 22, 2014, and July 24, 2014.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for August 11, 2014 at 12:00 noon and 4:00 p.m. respectively.
4. Approval of Beer and Wine License for Summit Cider Company, located at 3884 N. Schreiber Way, #201; Davon Sjostrom and Jason Fletcher (new)
5. Approval of Cemetery lot transfer from Kathryn Smith to Harold Wilson, Lot 23, Blk 18, Section A, Forest Cemetery
6. Approval of Cemetery lot repurchase from Dinah Woods, Lots 355, 356, Blk H, Section RIV, Forest Cemetery Annex.
7. Approval of **Resolution No. 14-031 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 PROFESSIONAL SERVICES CONTRACT WITH COLUMBIA VALUATION GROUP FOR NEGOTIATION SERVICES.**

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

COUNCIL ANNOUNCEMENTS:

Councilmember Gookin stated that he attended the Wastewater Treatment Plant's 75th anniversary that included a tour of the plant. Wastewater Superintendent Sid Fredrickson is working on a book regarding the history of the plant, as the City of Coeur d'Alene was the first city to build a secondary treatment plant before the Federal government required it. Additionally, he received an E-mail from the Idaho Freedom Foundation stating that city governments saying that they have lowered levy rates is not true and that Coeur d'Alene stating a

0% percent property tax increase; while increasing their budget could not be true. Councilmember Gookin clarified that the amount of increase in the budget is from new growth, and is not a tax increase.

Councilmember Evans announced that Art on the Edge will be holding a “Chalk it Up” community sidewalk event that will feature sidewalk chalk art on August 15, 2014 from 5:00 – 8:00 p.m. in the midtown area from Roosevelt to Montana Avenue. Replicate art prints can be ordered.

ADMINISTRATOR’S REPORT: Interim City Administrator Troy Tymesen stated that Kootenai Health has announced that it will become a partner with the Mayo Clinic. North Idaho College graphic design students have drafted potential future city logos, more information will be presented at the next General Services meeting. The employees of the city of Coeur d’Alene’s wastewater treatment utility served up more than 300 free hamburgers and hot dogs last Friday to celebrate the 75th year anniversary of the opening of the treatment plant on the Spokane River. The city of Coeur d’Alene was a trailblazer in the handling of sewage, building its first treatment plant in 1939. The secondary treatment plant was among the first of its kind in the Pacific Northwest and provided an advanced form of treatment that would not be required by law for another 33 years. The third piece of public art was installed at McEuen Park on Wednesday at the Third Street entrance on Front Avenue. “Allium Spring Chorus” is the work of Somerville, Mass., artist David Tonnesen, who made his first trip to Coeur d’Alene to help set it up. The inspiration of the design is the allium plant, a wild onion that is native to Idaho, and the three flower heads include hundreds of metal stars that will catch and reflect light from six LED lights shining gold and purple. The next pieces of art to be installed at the park will be “The Explorers,” a bronze sculpture representing two boys and a girl playing on a log, and American Worker, a bronze statue paying tribute to the working class. The Explorers will be installed at the base of Tubbs Hill at the trail confluence. “American Worker,” donated by local businessman Dean Haagenson, will be located on Front Avenue near Sixth Street. Both pieces are expected to be installed in August. Three years ago the Police Department implemented a new program aimed at bringing families to the downtown area for a free, fun event. The free movies in the park allow for officers to engage with the public in a very positive way. Officers and safety prevention councils offer character education lessons and safety tips to kids prior to the start of the movie. Free hot popcorn is served and officers hand out stickers to the kids. This year the department hosted three movie showings, with the last one for the summer season to be held Saturday, August 9th, in the City Park at dusk. The movie will be “Despicable Me 2.” “Doctor Who returns to BBC America with Series 8 on August 23rd, and the library is gearing up for it with a special dalek-stravaganza of wibbly-wobbly, timey-wimey activities. Join us for games, crafts, trivia, and prizes galore in the Community Room on August 16th, 1 – 4 p.m., for a day of Whovian family fun. Other August programs include a variety of programs for teens plus continuing the summer reading program for kids. Free family movies will be screened in the Shirley Parker Storyroom each Monday at 1:00 p.m. Snacks are included. Each Friday from 1:00 to 3:00 p.m. the Children’s Library will host the Game Cafe for some non-electronic fun. Summer Reading, “Fizz, Boom, Read,” has begun in the Seagraves Children’s Library on the lower level, and continues through August. All programs, for ages newborn and up, are free and most do not require registration. Even if children do not attend programs, families are invited to visit the library for a Reading Log to keep track of the time children spend reading or being read

to. For every three hours of reading time bring the log back to the library to collect a prize. For more information about the “Fizz, Boom, Read” summer program, call the Library at 769-2315. Anna Eckhart, a deputy prosecutor with the city of Coeur d’Alene, was honored this week for dedicating nine years to the County’s Mental Health Court. Eckhart’s recent appointment to serve as a magistrate judge will require her to step down from the volunteer position. Mr. Tymesen congratulated Ms. Eckhart on her appointment as a Magistrate Judge, after working for the City’s legal division for 11 years. He also stated that the completion of the Atlas Well #2 is coming along, the building has been painted inside and out, all paving and outside cement work has been done. The fence company has started the security fence around the well yard and the pump and motor assembly is expected to be installed within the next week or two. Recently, there have been articles about unfortunate water systems locally and nationwide which have been unable to meet the needs of their customers and keep up with the demand during the recent run of hot weather. The City of Coeur d’Alene has excess pumping capacity and can easily meet the maximum amount of water we have ever pumped in a single day. When the new Atlas Well #2 is online, we will be able to meet the peak day demand with the largest well off line. This is the “gold standard” for a water system. Several regional systems are in trouble because of power outages – the City of Coeur d’Alene has backup generators and can meet most emergency needs during a power outage. The cities of Toledo, Ohio and Charlestown, West Virginia had to advise their customers not to drink the water for a period of time. While not fully immune to these things, having a groundwater source instead of a surface water source gives us substantial protection from them. He announced that the City of Coeur d’Alene is seeking a Community Planning Director. The successful candidate will have demonstrated commitment to working as part of a team and an interest in creating a thriving, livable, and pedestrian/bicycle oriented city in beautiful North Idaho. Job duties include managing the city’s planning and community development functions with an emphasis on long-range planning. Complete job announcement and application are available on the city’s website, www.cdaid.org. Filing deadline is August 22, 2014. The city is also recruiting for Assistant City Attorney, Police Officer, Temporary Grounds Maintenance Workers, and Part-time Sports Officials. Please visit the city website and click on the “Job Posting” icon on the main page for a list of current openings at the City of Coeur d’Alene. Coeur d’Alene Arts Commission seeking nominations for the 19th Annual Mayor’s Awards in the Arts. Please consider nominating a deserving individual, business, or organization in the categories of Excellence in the Arts, Support of the Arts, and Arts in Education. You may pick up a nomination form at City Hall, or download and print a form from www.cdaid.org. Nominations must be submitted by September 1, 2014. For more information, call Steve Anthony at 769-2249, or email stevea@cdaid.org. The city of Coeur d’Alene strives to provide responsive, consistent and convenient services to the citizens of our community. In order to best achieve this commitment, the city has implemented another tool. Each month, a “CityPoll” question will be posed to learn how the community feels about a particular issue. This tool was launched last Friday, and as of Tuesday the City had received 171 votes. This is not a survey, but a poll asking primarily “yes” or “no” questions. Data collected will be used as guidance in the city’s strategic planning process. One vote is allowed per computer per month. The city is accepting polling question ideas from the City Council and the community. This month’s question is regarding Dog Parks. Visit www.cdaid.org to participate and let your voice be heard. The July issue of Municipal Milestones, a monthly e-newsletter covering city news and events, employees, departments at work, and other timely city information and issues, is available on our website. The newsletter is also emailed on the second Tuesday of each month. To view the

newsletter and instructions for receiving a monthly email version, visit the city's website www.cdavid.org, and click on the icon on the lower left corner. Additionally, Coeur d'Alene Mayor Steve Widmyer has established a direct telephone line for callers to leave a comment, idea or concern. To leave a message 24/7 with the mayor, call 769-2220, extension 503, or visit the city's website and click on the icon shown on the screen.

**COUNCIL BILL NO. 14-1013
ORDINANCE NO. 3489**

AN ORDINANCE EXCLUDING FROM AND DECLARING THE SAME TO BE SEPARATE FROM THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF SECTION 17, TOWNSHIP 50 NORTH, RANGE 3 WEST, BOISE MERIDIAN; BY DECLARING SUCH PROPERTY TO BE NO LONGER A PART OF THE CITY OF COEUR D'ALENE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE.

STAFF REPORT: City Attorney Mike Gridley stated that the City Council heard and approved this item in December 2013. The action requested tonight is to authorize the Council Bill No. 14-1103 to finalize the de-annexation request. This small amount of property abuts the remaining parcel that is outside of the city limits and this action will allow the parcel to be completely under one jurisdiction.

MOTION: Motion by McEvers, seconded by Edinger, to pass the first reading of **Council Bill No. 14-1013**.

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

MOTION: Motion by Edinger, seconded by McEvers, to suspend the rules and to adopt **Council Bill 14-1013** by its having had one reading by title only.

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

**COUNCIL BILL NO. 14-1012
ORDINANCE NO. 3488**

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 4.05.030, 4.25.080, 4.25.120 AND ADDING A NEW SECTION 10.02.030 TO PROVIDE A DEFINITION OF ROBOT, AUTHORIZE THE USE OF ROBOTS ON PUBLIC PROPERTY AND THE USE OF AUTONOMOUSLY OPERATED VEHICLES ON CITY STREETS; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

STAFF REPORT: Mr. Gridley stated that this code amendment is based on a request from a citizen, Nick Smoot, who is representing the robotics and technology industry. Mr. Smoot's hope is that this code will demonstrate support to the growing industry of robotics within Coeur d'Alene. As discussed at the last City Council meeting, amendments were made to the proposed code to remove the licensing requirements and make it clear that robots are authorized on public city-owned property within certain limits with the abeyance of regulations and signage. This would also allow for autonomous operating vehicles upon city streets.

DISCUSSION: Councilmember Gookin thanked Mr. Gridley and Mr. Smoot for addressing the concerns of the citizens and turning the code into a permission one rather than a restricted one. Councilmember McEvers asked for clarity regarding the section related to animals not being allowed on beaches. Mr. Gridley stated that robots would be allowed on beaches unless it is posted otherwise. Councilmember McEvers asked what the ramifications would be if the code is not approved. Mr. Smoot stated that certain parts of research and development would need to occur on private property and/or they would need to seek special permission from the city each time they needed public space. He stated that this code would be a method of setting the city aside as a place for corporations to come and do research and development. Mr. Gridley clarified that state law would be the code that prohibits use of autonomous vehicles, but when the state law changes the city would allow it under this code section. Councilmember Evans asked if other cities have allowed the Google autonomous type cars. Mr. Smoot stated that the states of Nevada, California, and Michigan have authorized it; however, the City of Coeur d'Alene would be unique by approving a code that allows use on public property. He stated that the United Kingdom is looking at creating areas for research and development in old towns and dilapidated buildings. Councilmember Miller stated that she first thought it was a request that was a marketing tool; however, she believes it is a positive thing for Coeur d'Alene especially if we can be the first one to pass the permissible code. She stated that the small amount of effort and time to create the code would be worth it if it encourages a company to move to the area. Councilmember Gookin asked if robots are currently illegal on public property. Mr. Gridley stated that they would likely be treated as a toy; the distinction would be the size and type of movement required. Councilmember Edinger stated that he believes there are some good points to the code and that the city could give it a try and always repeal it if it is not working.

MOTION: Motion by Gookin, seconded by Miller, to pass the first reading of Council Bill No. 14-1012.

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

MOTION: Motion by Gookin, seconded by Evans, to suspend the rules and to adopt Council Bill 14-1012 by its having had one reading by title only.

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

BNSF ACQUISITION FUNDING OPTIONS.

STAFF REPORT: Mr. Gridley reviewed a map and photographs of the area of the BNSF railroad right-of-way that is the subject of the property acquisition. Future planning of the area would include discussions regarding increased green space, trails, and increased opportunity for public use. He clarified that at the July 15, 2014 City Council meeting he told the City Council he would bring funding options back for consideration for the acquisition of the railroad right-of-way. He outlined two options to fund the \$2.5 million dollar acquisition cost. The first staff recommended option is to partner with LCDC with the balance of the funding from the fund balance. He stated that the LCDC property acquisition sub-committee has stated that they will recommend funding of the areas that are included within their district and their contribution is estimated to be \$1.4 Million. Repayment to the General Fund could occur with the expected \$1.0 Million in annexation fees from the Atlas Mill site annexation, foregone taxes, or approval for a bond or levy in 2015. Another option is to encourage LCDC to purchase the entire property within their district, with developers directly purchasing areas outside of the district. Thereafter, the City could try to negotiate with developers for waterfront access during the annexation process. He encouraged the Council to seek option one of partnering with LCDC. He said that the city is known for its water frontage, and this acquisition would allow an opportunity to trade land for the water access/frontage ensuring the public has access to the water.

DISCUSSION: Councilmember Edinger asked for clarification regarding the amount of fund balance money that would be needed. Mr. Tymesen stated that the fund balance is currently at \$4.7 Million, and that expenses are approximately \$90,000 per day. Therefore the City could go 52 days on its own cash; the minimum governmental standard is 60 days. He clarified that if the fund balance is used for this acquisition, the fund balance would provide 41 days of coverage. Therefore, he would look for the repayment of the \$1.0 million as quickly as possible in order to bring the coverage back to 52 days. Councilmember Edinger asked if there is potential debt that those funds would be needed for rather than this acquisition. Mr. Gridley stated that there are always chances of being sued, but the city does have options when those types of expenses come up.

Councilmember Gookin stated that he does not believe foregone funds should be an option and the bond/levy concept would be a tough sell to voters if we have a fund balance. He believes the best option is to partner with LCDC as it can be justified due to the fact that they would remove the blight of an old railroad line and the area currently has no value. His only reservation is that the city does not control LCDC. Mr. Gridley stated that their track record demonstrates that they will work with the city as a partner in public projects. Councilman Gookin asked for clarity regarding the estimated \$1.0 Million in future annexation fees. Mr. Gridley stated that the risk would be if the economy tanked and the developer did not finalize the development. However, there is nothing to indicate that the annexation will not move forward, so it is reasonable to assume that the fees will come within the next year. He stated that any annexation fees received in this corridor can be dedicated to replenishing the general fund. Mr. Tymesen clarified that annexation fees generally go into the general fund, as it is designed to pay for services before property taxes are collected and he believes it would be a good idea to dedicate those funds toward repayment. Councilmember McEvers asked for clarity regarding the funds needed for

acquisition. Mr. Gridley stated that there would be additional costs such as surveying, environmental reviews, and master planning so he would request the Council authorize up to \$1.1 Million. Mr. Tymesen clarified that they do not know the density of the annexation area; therefore, the remainder would be coming from fund balance. Mayor Widmyer clarified that the standard amount of cash on hand to cover expenses should be 60 days and the city is currently at 52 days. Councilmember Edinger asked for clarification regarding the estimated annexation fee expected from the Stimson annexation. Mr. Gridley stated that Douglas property that was recently annexed still owes approximately \$250,000, and the potential future Stimson property annexation fees are estimated to be \$700,000 depending on the density requested. Councilmember Edinger clarified that a motion from the Council would be needed to dedicate those fees to repay the general fund. Councilmember Evans asked what the pros and cons are of using city utility funds. Mr. Tymesen stated that the cost of the money would be more as the City pays back the interest the utility funds would normally earn and it would require more record keeping. Councilmember Adams asked when was the most recent time the city almost ran out of cash on hand. Mr. Tymesen stated that approximately 10 months ago was the most challenging time for the fund balance; as he was challenged to write a check for a lawsuit while acquiring land. Councilmember Adams asked if there was anything that the city could legally do with LCDC to ensure that the city controls the land and it is used exclusively for public access. Mr. Gridley stated that he has not researched it, but believes the City could do a Memorandum of Understanding. Councilmember Miller asked if there was a conversation with LCDC regarding expanding their district by the allowable amount to increase the amount they would pay within this project area. Mr. Gridley stated that he has not had conversations regarding this current project; but previous owners would not have wanted to be included in the district. LCDC could discuss expansion; however, it takes time to do and would require council approval.

Mayor Widmyer stated that he is in favor of the purchase and LCDC participating. He is in favor of using the utility fund for the City's portion, as he is uncomfortable being below the standard of 52 days to cover ongoing expenses. He does agree that pay back of the utility fund should occur with annexation fees or developer participation. He reminded the Council that the City is still self-insured.

MOTION: Motion by Evans, seconded by Miller to authorize staff to proceed with the BNSF acquisition to include a formal request for funding from LCDC and use of fund balance and/or other city funds up to \$1.1 Million.

DISCUSSION: Councilmember Adams asked what the interest rate would be to borrow from the utility funds. Mr. Tymesen stated that it would currently be about 0.37%. Councilmember Gookin asked for clarity on the intent of the motion. Councilmember Evans stated that the motion is to utilize fund balance and use the utility funds as a backup in case it is needed. Councilmember Gookin asked who would make the determination of which funds to use. Mr. Gridley stated that Finance Director would make the determination. Councilmember Edinger stated that he does not think the motion is very clear as other city funds could have other meanings. Mr. Tymesen stated that if the City were going month after month without collecting annexation fees and the voters wanted to seek a bond, he would recommend using other funds to bring the fund balance up to keep the city's bond rating up, although he doesn't see that happening in this time frame. Mr. Tymesen stated that he would prefer to use the cash reserves

under the wastewater utility which would also put pressure on the City to put the money back into the fund. Councilmember Gookin asked if Councilmember Evans would amend the motion to include the use of a loan from the wastewater utility with repayment from annexation fees. Councilmember Evans and Miller agreed to the amendment.

AMENDED MOTION: Motion by Evans seconded by Miller to authorize staff to proceed with the BNSF acquisition to include a formal request for funding from LCDC and use of up to a \$1.1 Million loan from the wastewater utility to be paid back with annexation fees.

DISCUSSION: Councilmember Adams stated that he was glad that the motion was amended especially since the interest is so low. Councilmember Miller asked if she had a clear understanding that if a situation came up and there was a deficit in our fund balance, the City could pull from utility funds at that time. Mr. Tymesen confirmed that she understood correctly.

Amended Motion carried.

REQUEST TO NEGOTIATE MEMORANDUM OF AGREEMENTS WITH ADJOINING LAND OWNERS TO THE BNSF PARCEL REGARDING LAND EXCHANGES

STAFF REPORT: Mr. Gridley stated that city staff has been contacted by the owners of land on either side of the rail road right-of-way the city is in the process of acquiring. These property owners are interested in trading waterfront property that they will own along the Spokane River to the city in exchange for portions of right-of-way that the city is purchasing. He clarified that the BNSF right-of-way runs near the river in many places and there is no actual waterfront access from the property to the river. If the Council's goal is to gain public access to the river along the right-of-way, the city could exchange property with waterfront land owners. Before the adjoining landowners complete the purchase, annexation, and planning for the development of their property they would like some assurance that the city is willing to negotiate for a mutually beneficial land exchange. Specific agreements would come forward to council for approval as they arise.

DISCUSSION: Councilmember McEvers stated that this area is referenced in the Comprehensive Plan and wondered if there was intent to form a new committee. Mr. Gridley stated that the BLM property that extends to the Four Corners involves meeting with stakeholders, then taking input and coming up with a plan. They have talked about extending their discussions to this BNSF right-of-way area and including it in the planning, but he has not heard of setting up a new committee. Councilmember McEvers stated that he would like to see enforcement of the shoreline ordinance and felt the annexation agreement gives the city leverage. Mr. Gridley stated that the property exchange and annexation agreement negotiations will work in parallel. Mayor Widmyer stated that the City is in the process of the Four Corners study and Welch Comer is going to bring people together within the next month. That group has talked about expanding discussions out to Huetter, so it might be a possibility to include this in their discussions. Mr. Gridley stated that the City could expand their contract with Welch Comer with additions to the scope of services. Councilmember Gookin clarified that even if a portion of property is traded the city would still get a trail through the area. Mr. Gridley stated that the merits of property trades would be based on what makes sense for the public and the developers.

MOTION: Motion by Gookin, seconded by McEvers to authorize staff to proceed with the negotiating Memorandum of Agreements with landowners adjoining the BNSF right-of-way that would support the option of land exchanges to provide public access to the Spokane River.
Motion carried.

VACATION OF A 10 FOOT STREET OF RIGHT-OF-WAY, ADJOINING MOUNTAIN AVENUE FROM LAKE SHORE ADDITION PLAT.

STAFF REPORT: City Engineer Gordon Dobler stated 45 notifications were mailed out; 6 responses were received with 5 in favor 1 neutral. He clarified that the request for vacation includes right-of-way that came forward through two plats. In 1900 right-of-way of 60 feet was received and in 1907 an additional 10 foot strip of land was received. The intended use of the right-of-way is assumed to be an alley. The end result of the platting that occurred in the area was a 70' right-of-way for Mountain Avenue. The 10' area that was dedicated on the Lake Shore Addition was encroached upon by residential improvements of the adjoining lots. The vacation of this area would have no impact on the current street section, nor any future improvements.

PUBLIC COMMENTS: Mayor Widmyer called for public comments.

Chuck Hosack, Coeur d'Alene, asked how the property transfer would work and wondered if he would end up with a Deed. Mr. Dobler explained that the City would record the ordinance at the County, and they would add the additional 10 feet to the abutting property, which would show up in a title report and on the county assessments.

Having no other comments, public comment was closed.

MOTION: Motion by McEvers, seconded by Gookin to approve the Vacation of a 10 foot street of right-of-way, adjoining Mountain Avenue from Lake Shore Addition Plat.

DISCUSSION: Councilmember Gookin stated that this item came to the Public Works Committee and the request was due to a property owner wanting to build only to find that the area he thought he owned was within the right-of-way.

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

EXECUTIVE SESSION: Motion by McEvers, seconded by Gookin to enter into Executive Session as provided by Idaho Code 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. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general; § (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; (d) To consider records that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code,

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

The City Council entered into Executive Session at 8:07 p.m. Those present were the Mayor, City Council, City Administrator, Police Chief, Human Resource Director, Deputy City Attorney, and City Attorney. Council returned to regular session at 8:32 p.m.

MOTION: Motion by Gookin, seconded by Edinger to approve a conditional offer of employment to Police Chief Candidate Lee White. **Motion carried.**

MOTION: Motion by Gookin, seconded by Evans to re-enter into Executive Session as provided by Idaho Code 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. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general; § (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; (d) To consider records that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code, 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: Miller Aye; Evans Aye; Adams Aye; McEvers Aye; Gookin Aye. **Motion carried.**

The City Council re-entered into Executive Session at 8:33 p.m. Those present were the Mayor, City Council, City Administrator, Deputy City Attorney, and City Attorney. Council returned to regular session at 9:37 p.m.

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

The meeting adjourned at 9:37 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk