

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
JANUARY 21, 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 Library Community Room, January 21, 2014, at 6:00 p.m., there being present upon roll call the following members:

Mayor Widmyer

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

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

INVOCATION: Retired Pastor Skip Lane provided the invocation.

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

PRESENTATION: Idaho Chapter of the International Association of Arson Investigators Award.

Fire Inspector Craig Etherton presented an award from the Idaho Chapter of the International Association of Arson Investigators to Ann Eckhart, Scot Nass, and Wendy Gabriel. He explained the organization consists of those who are responsible for determining the cause of fires and aid in the prosecution of criminal acts. They review new technology and provide education and certifications in the field. This award stems from the amazing work each did in putting on a mock trial so that the members could get experience in expert testimony, which has been missing from the program for approximately the past 10 years. This program also provided several members, including himself, with credit needed to complete their certificates.

CONSENT CALENDAR: Motion by Edinger, seconded by McEvers, to approve the Consent Calendar as presented.

1. Approval of Council Minutes for January 7, 2014 and January 14, 2014.
2. Approval of Bills as Submitted.
3. Setting of meeting times for General Services and Public Works Committees: January 27, 2014 at 12:00 noon and 4:00 p.m. respectively.
4. Setting of a Public Hearing for February 4, 2014 for the Community Development Block Grant (CDBG) Plan Year 2014 Annual Action Plan.
5. Setting of a Public Hearing for February 4, 2014 for the appeal of PUD 1-83M.3, modification to the Coeur d'Alene Resort PUD.

6. Setting of a Public Hearing for February 18, 2014 for ZC-1-13, zone change from R-3 and C-17L to R-8, Lot 1, Block 3, Landings at Waterford 10th Addition.
7. **Resolution No. 14-002** 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 APPROVAL TO PURCHASE THREE (3) PATROL VEHICLES AND ONE (1) ANIMAL CONTROL VEHICLE AND APPROVAL OF S-2-03, LANDINGS AT WATERFORD 11TH ADDITION – FINAL PLAT APPROVAL, ACCEPTANCE OF IMPROVEMENTS, MAINTENANCE/WARRANTY AGREEMENT & SECURITY.
8. Approval of Beer/Wine License – Crafted Taphouse, LLC. Robert Berger, 523 Sherman Avenue (new).
9. Approval of Beer/Wine License – Schmidty's Burgers, Nathan Schmidt and Denise Hodges, 206 N. 4th Street (new).
10. Approval of Beer/Wine License – Paragon Brewing, Kerry Kieres, Chris Kieres, and Matt Dill, 5785 N. Government Way (transfer from Sully's) .
11. Approval of Cemetery transfer from Lucile Oliver to Nicholas A. Parks, Lot 18, Block 01, Section J, Forest Cemetery.

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

COUNCIL ANNOUNCEMENTS:

Councilmember McEvers thanked everyone for electing him to another four years and thanked the Council for making him President.

Councilmember Edinger stated that he is now the liaison to the Senior Center and at their last meeting they mentioned the free tax help. This help is available to all low to moderate income citizens and will be available February 1st through April 15, 2014 at the Lake City Center. Please call and make an appointment at 667-4628. Participants will need their social security card, photo ID, their 2012 IRS documents and all appropriate 2013 tax documents.

Councilmember Miller thanked those that came to the last meeting and supported her through the campaign.

APPOINTMENT: The Mayor requested the appointment of Anneke Connaway, Bob Hallock, Keith Jones, and Bruce Martinek to the Urban Forestry Committee; Garry Stark and Brad Jordan to the Parking Commission; Laura Rumpler to the CDA TV Committee; Jon Ingalls to the Planning Commission; Deanna Goodlander to the Lake City Development Corporation Board; Art Flagan, Ed Eichwald, and John Boraas to the Jewett House Advisory Board; and Ben Wolfinger to the Civil Service Commission.

MAIN MOTION: Motion by Edinger, seconded by McEvers to approve the appointment of Anneke Connaway, Bob Hallock, Keith Jones, and Bruce Martinek to the Urban Forestry Committee; Garry Stark and Brad Jordan to the Parking Commission; Laura Rumpler to the CDA TV Committee; Jon Ingalls to the Planning Commission; Deanna Goodlander to the Lake

City Development Corporation Board; Art Flagan, Ed Eichwald, and John Boraas to the Jewett House Advisory Board; and Ben Wolfinger to the Civil Service Commission.

DISCUSSION: Councilmember Gookin stated that he has voted in opposition of previous appointments as he felt the process could be more transparent. He hopes to get more involvement from the public, as he understands the committees often scramble to find people to fill vacancies. Councilmember Gookin stated that there was a press release today that outlined the additional committee openings, and clarified that if citizens apply they will be considered. Councilmember Edinger stated that there are some members that are reappointed, but wondered if citizens had contacted the City Administrator asking for information. Ms. Gabriel stated that she has not had anyone personally contact her. She stated that Keith Erickson will place more information on the City's social media regarding the various committee functions and the time and date of their meetings. Mayor Widmyer encouraged the community to get involved and make contact with the City. Councilmember McEvers stated that it helps to find something you are passionate about. Councilmember Adams stated that he has gone back and forth regarding approval of appointments and that he opposes the package, but not all of the current appointment list. He stated that he feels there are a lot of the same names and would suggest that our social media outlets might hit some of the younger generation. He clarified that his main objection to the list would be Ms. Goodlander's appointment to the LCDC Board, as he perceives it as a conflict. Councilmember Evans asked if there is still a conflict even though she is no longer on the City Council. Councilmember Adams stated that he felt that since she served for 10 years, she will carry the same perspective.

AMENDMENT TO THE MOTION: Motion by Edinger, seconded by Miller to separate Deanna Goodlander's appointment to the LCDC Board from the main motion.

Main Motion as Amended carried with McEvers voting No.

MOTION: Motion by Evans, seconded McEvers to approve the appointment of Deanna Goodlander to the LCDC Board.

DISCUSSION: Councilmember Miller asked Councilmember Adams if he had someone in mind to appoint to the LCDC Board. Councilmember Adams stated that he did not, but thought there was of number of candidates the last time there was an opening. Councilmember Edinger asked the City Attorney if the bylaws state that there has to be a council member on the Board. Mr. Gridley stated that state law would allow for the Council to serve as the Board; however, our Board was set up to have up to 9 members. He believes that the council liaison was appointed to provide a chain of communication, but there is nothing that requires two or any council members to be on the Board. Councilmember McEvers said he would support Ms. Goodlander's appointment as she has been involved in the good things.

Motion Carried with Gookin and Adams voting No.

ADMINISTRATOR'S REPORT: Ms. Gabriel provided an update regarding the four-corners project. After considering input from the Parks and Recreation Commission, it will be up to the City Council to decide whether to move ahead with hiring a land use planner to develop a master

plan for the corridor. Project organizers, community leaders, stakeholders, and interested neighbors have offered dozens of ideas for upgrades ranging from improved trail access and educational interpretive posts, to improving the campus around Memorial Field and even a community garden. Upcoming meetings are as follows: Monday, January 27th, Parks and Recreation meeting, 5:30 p.m. with a recommendation expected to be forwarded to the city's General Services Committee (February 10). Temperatures in the 40s with no imminent threat of rain have allowed construction crews this week to perform work on McEuen Park in downtown Coeur d'Alene that otherwise would have been held off until later this winter or early spring. Project Engineer Phil Boyd said spring-like conditions are allowing the application of water-proofing sealant on the deck above the parking structure, which partially opened in November. The parking facility partially opened just before Thanksgiving and offers stalls for about 180 vehicles. Ultimately, the facility will include parking for about 500 vehicles. Meanwhile, crews continue their work on steel staircases that will lead motorists from the subgrade parking structure to Front Avenue above at intersections between Third and Sixth Streets. The park is expected to open in May. The Panhandle Parks Foundation, formed in 2003 to support the development of parks, open space and recreational opportunities in North Idaho, is seeking new board members. A board member recently stepped down and the foundation's executive board would like to replace that individual and perhaps add up to four board members this year, said Kim Stearns, Executive Director of the Foundation. The board meets once a month. For information, contact Kim Stearns at kim@panhandleparksfoundation.org. Coeur d'Alene Police are investigating the theft of a popular and very identifiable piece of art from Riverstone Park. Sometime between Friday night and early Saturday morning, parts of a statue, affectionately known as "Kate," were stolen. It appears that it was a very sophisticated effort, and the perpetrators probably used industrialized bolt cutters. The artwork is estimated to be worth about \$25,000, though if recycled the stolen pieces would be worth much less. Anyone with information about the theft is asked to call the Coeur d'Alene Police Department at 769-2320.

Resolution No. 14-003

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE SIGNATURES OF STEVE WIDMYER, VONNIE L. JENSEN, TROY TYMESEN AND WOODY MCEVERS.

STAFF REPORT: Finance Director Troy Tymesen stated that this Resolution will allow new signers on the City's checking account, which includes the Mayor, Council President, Finance Director and Deputy Finance Director.

MOTION: Motion by Edinger, seconded by Gookin to approve the Resolution No. 14-003 authorizing signers for City banking.

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

Resolution No. 14-004

A RESOLUTION ESTABLISHING PROCEDURES RELATING TO THE AUTHORIZATION FOR PAYMENT OF CERTAIN EXPENDITURES THROUGH A MANUAL CHECK REQUEST WITHOUT PRIOR COUNCIL APPROVAL, AND AUTHORIZING THE CITY FINANCE DIRECTOR TO APPROVE PAYMENT TO CERTAIN VENDORS PRIOR TO SUBMITTING THE BILLS TO COUNCIL.

STAFF REPORT: Finance Director Troy Tymesen stated that this action will improve quality and disclosure. The City has authorized a \$77 million budget, which staff manages. Once a month staff brings forward bills to council for authorization, however, it doesn't appear to meet the conservative interpretation of the Idaho Code. This code section references how to make payments, and speaks to claims, which is antiquated terminology. This resolution will provide a reasonable method for the City Treasurer to make payments between Council meetings, support the use of funds as approved in the budget and pay vendors timely (so no late fees/penalties are incurred). This will authorize the City Treasurer to process payments up to \$10,000 between City Council approvals. He stated that he intends to bring Bills to Council at each regularly scheduled Council meeting.

MOTION: Motion by McEvers, seconded by Edinger to approve the Resolution No. 14-004 establishing procedures relating to authorization for payment of certain expenditures through manual check requests, without prior City Council approval, and authorizing the City Finance Director to approve payment to certain vendors prior to submitting the bills to Council.

DISCUSSION: Mr. Tymesen clarified that there is a stamp for check signing, and that they are not hand-written. Councilmember McEvers asked why we are doing this now. Mr. Tymesen stated that this is just a continuous improvement measure. Councilmember Miller asked if this list of certain vendors has been vetted out. Mr. Tymesen stated that only the payroll side is the same ongoing expense each and every month and that other items, up to \$10,000, that were previously approved in the financial plan, such as the Avista bill will not be the same each month. Councilmember Gookin stated that he is concerned about violating the statute. Mr. Gridley stated that this is an interesting discussion, and this is a conservative approach, since in the legal world the reference to un-liquidated claims is more specific to claims versus ongoing expenditures and he does not see any issue with adopting the Resolution and felt that he could make an argument that the City does not need this resolution. Councilmember Gookin stated that he wants to be more transparent and wondered if the bills can be put on the City's web-site. Mr. Tymesen stated that they have done that and it took the Legal Department hours to redact the payroll data and he had no calls once it was posted and the same post has been up for a year. Therefore, he felt that it did not have any return on the amount of staff time it took to post it to the web page. Councilmember Gookin stated that the bills to Council are not in the packet and wondered where the data is located. Mr. Tymesen explained that the Council committee chairs are provided the documents and sign for the bills. Councilmember Edinger confirmed that he signed for Public Works, General Services, and Parks and Recreation this evening and they include items that were approved in the budget. Councilmember Gookin stated that he would like to come up with a way for the public to be able to view the bills. He asked if Mr. Tymesen ran the Resolution by the auditors. Mr. Tymesen stated that there will be a satisfactory audit because we use the budget as a guide and any other expenses

are approved by the City Council, such as the opportunity for the frontend loaders and payment of lawsuits.

Mr. Tymesen stated that this item is presented to share with the City Council that he is seeking guidance on how checks are approved. Councilmember Gookin asked if this is currently how he is conducting business. Mr. Tymesen clarified that they currently do not hold any payments back based on the dollar amount, so the \$10,000 limit would be new. Councilmember Adams asked about the accrual of interest over the last year. Mr. Tymesen stated that some vendors have charged interest due to bill not being paid timely, which is usually due to human error. The Finance Department works with the vendors to waive those costs and the total over the past year is less than \$500. Councilmember Gookin stated that it appears that this Resolution would have the intent to override a state statute and he is reluctant to do that. Councilmember Adams asked if the City has the authority to pass a resolution that would override statutes. Mr. Gridley stated that there is no definition of claims in this section of the code, yet earlier in the code it states that the City Council has authority to set budgets and pay expenditures. He stated that he believes that gives the City authority to pay claims throughout the year. He does believe it is an old statute and in this day and age he questions this section and believes a budgeted item is different than a claim presented after the fact. He clarified that typically a resolution could not override a statute, but in this case it would give Mr. Tymesen authority to make payments and that this is different due to the items being ordinary expenses in the budget.

Councilmember Edinger called for the question. Motion Carried.

ROLL CALL: Miller Aye; Gookin No; Evans Aye; Edinger Aye; Adams Aye; McEvers Aye.
Motion carried.

J. EXECUTIVE SESSION: Motion by Gookin, seconded by Adams to enter into Executive Session as provided by Idaho Code 67-2345 § (c): To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency; §(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; Evans Aye; Edinger Aye; Adams Aye; McEvers Aye; Miller Aye.
Motion carried.

The City Council entered into Executive Session at 7:03 p.m. Those present were the Mayor, City Council, City Administrator, City Attorney, Wastewater Treatment Superintendent, Deputy City Attorney Tinkey, and the Finance Director. Matters discussed were related to pending litigation, and potential property acquisition. Council returned to regular session at 8:25 p.m.

RECESS: Motion by Edinger, seconded by Gookin to recess to January 23rd at 12:00 Noon in the Old Council Chambers located at 710 E. Mullan Avenue for a City Council Workshop regarding

Proposed Subdivision Code Changes. **Motion carried.**

The meeting recessed at 8:25 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

DRAFT