

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D’ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
March 2, 2010**

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 March 2, 2010 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Mike Kennedy)	Members of Council Present
Woody McEvers)	
A. J. Al Hassell, III)	
John Bruning)	
Deanna Goodlander)	
Loren Ron Edinger)	

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

INVOCATION: The invocation was led by Pastor Dick Hege, Coeur d’Alene Bible Church.

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

PRESENTATION – FORD IRONMAN COMMUNITY FUND RECIPIENTS: Mayor Bloem announced that each year the Ford Ironman Community Fund provides \$15,000 to our community’s organizations/programs that promote youth sports activities. The following recipients accepted their grant awards from Mayor Bloem: Boy Scouts Camp Easton, City of Coeur d’Alene Recreation Department, School Dist. 271 Elementary District Meet, Coeur d’Alene Youth Triathlon, Fernan Elementary, City of Hayden Recreation Department, Hayden Meadows, Mullan Trail Elementary, Ponderosa Elementary, Post Falls School Dist. 273 Cross Country District Meet, Prairie View Elementary; Ramsey Elementary, Kroc Center, Seltice Elementary, Specialized Needs Recreation – Camp All Stars, and West Ridge Elementary.

AMENDMENT TO AGENDA: Motion by Kennedy, seconded by Edinger to amend the agenda to include recessing tonight’s Council meeting to March 11th at 7:30 a.m. for a joint City Council/County Commissioner meeting at the Breakfast Nook on 4th Street. Motion carried.

PUBLIC COMMENTS:

WASTE MANAGEMENT: Steve Roberge, 6488 N. 4th Street, Dalton Gardens, representing Waste Management of Idaho, announced their partnership with the City in a comprehensive recycling pilot program at City Hall and the Library. He announced that Tim Austin was named Regional Waste Management Driver of the Year for their western region.

OUTDOOR EATING AREAS: Dave Pulis, 1308 E. Maple, addressed the council regarding the proposed changes to the outdoor seating regulation. He voiced his opposition to limiting the hours of allowing outdoor seating for food service. Mike Ryan, Moose Lounge, Spokane, Washington,

read a letter from one of their customers supporting extending the hours for outdoor seating. Tom Capone, 918 E. St. Maries Ave., Coeur d'Alene, requested expanding the seating area in the Midtown area. Bill Miller, Cd'A Eagles Manager, asked if they would be allowed their outdoor seating since they are a private club. Char Gherke, 1308 E. Coeur d'Alene Ave., believes that cutting back hours for outdoor seating penalizes everyone.

Motion by Kennedy, seconded by McEvers to bring Resolution 10-007 forward. Motion carried.

RESOLUTION NO. 10-007

**A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO
AMENDING THE POLICY FOR FOOD AND / OR ALCOHOLIC BEVERAGE SERVICE
AREAS ON PUBLIC SIDEWALKS.**

STAFF REPORT: Deputy City Administrator Jon Ingalls reviewed the evolution of allowing downtown outdoor seating for meals on public sidewalks. He also presented amendments to the permit for Food and Alcoholic Beverages on Public Sidewalks for the Councils review and comment. Staff is requesting review of the policy due to the nature of some eating establishments changing, as one downtown proprietor stated: "Fine dining is going away for a long time." At least one downtown dining establishment is being transformed into more of a nightclub environment. Also, recent incidents have created some concerns for safety and security in downtown areas. At the same time, with the completion of the Midtown Improvement Project, staff expects a significant number of new applications for outdoor food and alcohol service areas on public sidewalks in midtown and elsewhere.

Councilman McEvers questioned why we don't allow the businesses to use outdoor seating as long as they are open. Councilman Hassell commented that he received comments on last year's issues regarding outdoor seating. Councilman Goodlander noted that the original intent for outdoor seating was for the service of food which then was expanded to allow alcoholic beverages in conjunction with a meal and that the City reviews the policy annually. Councilman Bruning noted that these are public sidewalks and the business owners do not have use of these sidewalks by right. He also noted that some constituents believe the atmosphere has changed downtown. Councilman McEvers questioned whether all this is about over-serving and that he opposes limiting the hours. Mayor Bloem commented that she believes that this is a balance and that sidewalk seating is a privilege. She also believes that we need to keep it simple and that everyone who serves food that has outdoor seating can serve outside until 10:00 p.m. Councilman Kennedy recapped the proposed amendments.

Terry Cooper, Downtown Association Director, supports the proposed amendments.

Motion by Kennedy, seconded by Edinger to adopt Resolution 10-007 including the amendment of striking the reference to "full service restaurant and limited service" and to allow outdoor food service except from 10:00 p.m. to 10:00 a.m.

ROLL CALL: Kennedy, Aye; Hassell, Aye; McEvers, Aye; Goodlander, Aye; Bruning, Aye; Edinger, Aye. Motion carried.

PUBLIC COMMENTS Cont'd:

Craig Austin, 1953 W. Staples Dr., Post Falls, addressed his issues regarding police misconduct. City Attorney Mike Gridley noted that he, as the City's legal counsel, advised Council not to directly communicate with Mr. Austin as he has filed a \$500,000 claim against the City. Councilman McEvers asked what would be the harm in talking with these complainants. Mr. Gridley explained the legal ramifications of speaking with a litigant when he has retained an attorney and has filed suit against the City.

Harold Hocker, 1413 E. Spokane Street, Coeur d'Alene, addressed the issues of the consumption of alcohol, alcoholics, and being a bar tender. He voiced his concern of people speeding in school zones with speeds up to 45 mph.

CONSENT CALENDAR: Motion by Hassell, seconded by Bruning to approve the Consent Calendar as presented.

1. Approval of minutes for February 11, 16, 2010.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, March 8th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 10-006: 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 THE MEMORANDUM OF UNDERSTANDING WITH KOOTENAI COUNTY FOR 700 MHZ RADIO USAGE; AUTHORIZING THE DECLARATION OF SURPLUS PROPERTY – STREET DEPARTMENT AND AUTHORIZING THE DESTRUCTION OF CERTAIN TEMPORARY RECORDS – POLICE DEPARTMENT.
4. Setting of Public Hearing for Flood Hazard Mitigation Regulations for April 6, 2010.
5. Authorization for Police Department civilian volunteer Leonard Reed to mark, tag and tow abandoned vehicle.

ROLL CALL: Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Bruning, Aye; Edinger, Aye; Hassell, Aye. Motion carried.

APPOINTMENT – ARTS COMMISSION: Motion by Goodlander, seconded by Kennedy to appoint Mike Dodge to the Arts Commission. Motion carried.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel announced the City is offering free street trees for homeowners to plant for certain subdivisions. Street Crews are currently doing Spring cleanup. The Panhandle Coalition, along with the City's Legislative Committee, will be hosting a Town Hall meeting with our local legislators this Saturday between 8:30 a.m.-10:00 a.m. in the Library Community room. The City is accepting applications for Firefighters. She advised city water customers that if they receive a notice for Water Right claims that it is not necessary for them to file a claim and if anyone has questions they may contact the city Water Department. She invited the public to view the newest piece of city artwork which is a bike rack located along the City Park seawall. Mrs. Gabriel reminded everyone that the General

Services Committee meeting for April 12th will not be aired; however, the agenda for that meeting will be on the City web site. The Arbor Day Button Contest is now open to middle school and high schools students and the winner of the contest will have their drawing featured on this year's Arbor Day button. The deadline for students to submit their entry is March 5th and anyone interested in learning more about this can go to www.cdavid.org/urban. Mrs. Gabriel announced the Kroc Center statistics now show over 20,000 members with over 220 people being employed at the Kroc Center. The Police Department held their annual Volunteer Appreciation Lunch last week and noted that these volunteers gave over 5,000 hours of service to the city. She announced the activities that are available for registration with the City Recreation Department.

RFP FOR CONSULTANT SERVICES FOR EDUCATION CORRIDOR PRELIMINARY INFRASTRUCTURE DESIGN: Motion by Hassell, seconded by Goodlander to authorize staff to proceed with the Request for Proposals (RFP) for consultant services with the Education Corridor Preliminary Infrastructure Design. Motion carried.

EXECUTIVE SESSION: Motion by Goodlander, seconded by to enter into Executive Session as provided by I.C. 67-2345 Subsection C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property not owned by a public agency; Subsection 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; and, Subsection J: To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed.

ROLL CALL: Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Bruning, Aye; Edinger, Aye; Hassell, Aye. Motion carried.

The session convened at 7:50 p.m. Members present were the Mayor, City Council, City Administrator, City Attorney, Deputy City Administrator, and Deputy Fire Chiefs.

Matters discussed were those of labor negotiations, claims and litigation. No action was taken and the Council returned to their regular meeting session at 8:36 p.m.

RESOLUTION NO. 10-008

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF COEUR D'ALENE FIRE DEPARTMENT DEPUTY CHIEFS.

Motion by McEvers, seconded by Goodlander to adopt Resolution 10-008.

ROLL CALL: Goodlander, Aye; McEvers, Aye; Hassell, Aye; Kennedy, Aye; Bruning, Aye; Edinger, Aye. Motion carried.

ADJOURNMENT: Motion by McEvers, seconded by Hassell to recess this meeting to March 11, 2010 at 7:30 a.m. at the Breakfast Nook for a joint City Council/County Commissioner meeting. Motion carried.

The meeting recessed at 8:38 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk