

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
OCTOBER 16, 2012**

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 on October 16, 2012 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Loren Ron Edinger)	Members of Council Present
Mike Kennedy)	
Steve Adams)	
Dan Gookin)	
Woody McEvers)	
Deanna Goodlander)	

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

INVOCATION: The Invocation was led Pastor Dave Hoit, Prairie Avenue Christian Center.

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

AMENDMENT TO THE AGENDA: Motion by Gookin, second by Edinger to amend the Agenda to include the School District's recent decision to sell Person Field property. Motion carried.

DISCUSSION: Councilman Gookin clarified that he asked for this item to be added to the agenda to give the City Council an opportunity for timely action on this item. The Mayor asked Ms. Gabriel to make a presentation after the Library presentation.

PRESENTATION – IDAHO LIBRARY ASSOCIATION – LIBRARY OF THE YEAR: Library Director, Bette Ammon, informed the community that the Coeur d'Alene Library has been awarded the "Library of the Year" distinction. She stated that the award was based on community partnerships, library staff, responses to public requests, and innovative partnerships.

SCHOOL DISTRICT SALE OF PERSON FIELD: City Administrator Wendy Gabriel presented information regarding the portion of Person Field owned by the City versus the portion owned by the School District, and clarified that the City portion of the property will remain owned by the City as green space. Discussions have occurred at a staff level regarding the Joint Powers Agreement between the City and the School District. During this time discussions took place regarding relocation of baseball fields, at which time the School District stated they were interested in selling the property. Staff requested the option to trade; however, the School District was only interested in a property that contained an administration building. Ms. Gabriel explained the School District would dispose of property under the same process as the

City, and explained how a trade of public property would work. At that time the School District requested a 30 day response. On October 10, the City informed the School District that the City didn't have property or money to purchase the property. Ms. Gabriel apologized to the City Council for not sharing these details earlier. She does not believe that the door is closed to further discussions with the School District. She stated that if Council desires, they could recommend staff to seek funding for the purchase of Person Field and bring back options to the next City Council meeting. If the land trade does not work out, the City would still be competing in a sealed bid process. Ms. Gabriel explained that the Joint Powers Agreement is an agreement with the School District for shared use of the facilities, such as gyms, and outlining the City costs for maintenance in the amount of \$30,000 a year. Councilman Goodlander clarified that the City has participated in the cost of increasing the size of the facilities at four schools, and that the School District uses some of the City's fields, not included in the agreement. Councilman Goodlander stated that she believes the shared resources/facilities provide benefits to the citizens.

DISCUSSION: Councilman Gookin stated that he has been contacted by many citizens with a request to keep this area a city park, as it is the only pocket park in this area of town. He noted that in the 2008 Parks Capital Improvement Plan it states that the City should look into purchasing the School District's portion of the field. He believes the City should find a way to purchase the park, as it integral to the neighborhood.

The Mayor clarified that the Memorandum of Understanding (MOU) did not include the first right of refusal, as under law the City doesn't have the right to be placed in first order for the purchase. Once the property is listed as surplus, there is a competitive process established by law, unless a land trade can be worked out between two public agencies.

Councilman Adams questioned the authority of staff to determine the ability of the City to fund such a project.

Councilman Kennedy stated that the request of the School District to increase the Joint Powers from \$30,000 to \$70,000 was an enormous leap and didn't take into account all the things the City provides to the School. He clarified that the City does want the Person Field land, and would not want it developed into housing units. He requested an explanation from staff as to how the City could move forward to ensure Person Field remains an urban park if the School District is willing to work with the City. Additionally, he suggested a workshop between the School District and the City in the near future.

Mr. Gridley clarified that the School District can trade the property to another public entity, such as the City, for like-value property, or go through the competitive process through a sealed bid. He further stated that at the onset of these discussions, the City was looking at a Million dollar budget shortfall, a Million dollar loss of stormwater revenue, and a \$4 Million verdict pending liability, so it was reasonable for staff to feel there was no funding option. He stated that the School District has good reason for moving forward, including the need to replace a building that is causing employees to be sick. Mr. Gridley stated that the direction staff would need from the City Council is to recommend staff to put their best efforts forward to acquire the Person Field property, and come back to next Council meeting with an action plan outlining options.

Councilman Edinger stated that he believes the City has always wanted to acquire Person Field. He felt that the City should place a priority on purchasing the property, if the School District will allow more time.

Councilman Goodlander stated that over many years the City had several conversations with the School District, and at that time they were not interested in selling the property. She stated that she believes staff has authority to negotiate contracts and agreements and trusts that they will bring them forward when they are ready for the Council action. She does believe that the City wants to acquire the field but is not sure how the City would pay for the land.

Finance Director Troy Tymesen stated that the challenge is that there are many items in the fire right now; i.e., McEuen a large long-term project, and audit footnote regarding a pending \$4 Million lawsuit that the City is committed to pay if it is not overturned. Mr. Tymesen explained that the current fund balance is healthy at 17% of the General Fund budget, which would last 62 days if no revenues were received by the City. He explained that in a personal account one should have 90 days of cash on hand. He further described that if the lawsuit liability was subtracted from the fund balance, the fund balance would provide less than a month of cash if revenues to the City were to stop. If the City Council were to spend another \$600,000, it would be burdensome due to the other liabilities the City has; however, if the law suit was settled and the McEuen project was bid with final costs known he would be more comfortable making a recommendation.

Councilman Kennedy questioned if the School District could provide an extension of time to the City after they declared the property surplus. Mr. Gridley stated that the School District had latitude to pull the property off the market, although he understood that they have funding urgencies and a short timeline.

Councilman Gookin wondered if the property purchase could have been noted as a dedicated expense year after year in the fund balance until the purchase became available. Mr. Tymesen agreed that could have been an option. Mr. Gookin stated that the Council could have mentioned the property purchase at its annual strategic planning and asked for money to be dedicated at that time. Mr. Tymesen stated that he hopes that a land trade can be negotiated.

Motion by Kennedy seconded by Gookin to direct staff to acquire the School District's portion of Person Field. Kennedy Aye; Edinger Aye; Adams Aye; McEvers Aye; Goodlander Aye; Gookin Aye. Motion carried.

DISCUSSION: McEvers stated he recalls many years ago discussion about acquisition of the field. He expressed his support of the acquisition, and his concern regarding the budget, and acknowledged his faith in staff. Councilman Goodlander expressed her support and her concern about rebuilding the fund balance. Mr. Tymesen stated that staff will include all options in their proposals, including discussions regarding a tax increase for next year. Councilman Kennedy stated he supports the motion and reiterated his request for a workshop with the School Board, as local public entities we share many of the same patrons, who should not have to pay twice for services. Councilman Adams clarified that he was frustrated that there were assumptions made

about his support of this project and that he was irritated that he was not kept in the loop. Councilman Edinger stated that he does not take back the “no” vote he gave regarding the budget. The City Council should be apprised on important issues, without micro-managing staff.

PUBLIC COMMENTS:

SIDEWALK THANK YOU – Councilman Edinger spoke at the request of Roy Wargi, 222 Coeur d’Alene Avenue, who was in attendance in the audience. He wanted to thank staff, the Mayor, and the City Council for getting the sidewalk installed at 21st Street and Coeur d’Alene Avenue, as this provides a safe crossing for students attending Fernan Elementary School.

SALE OF PERSON FIELD; Tom Hamilton, 9638 N. Ptarmigan Drive, Hayden - Stated that the School Board and District want the Person Field property to remain a green space and that Coeur d’Alene should maintain it as park space. He stated that the School District needed to raise money for a new Administration building and that the School District did not set the 30-day time frame, that the City asked for 30 days to respond. He will make a request to the Board at its Thursday meeting, to delay notice of the sealed bid for another 60 days. He believes the other Board members will be amenable to the request.

Bruce McNeal, 524 N. 17th Street – Expressed his frustration with the Person Field article this morning and is concerned about the lack of communication with the City Council. He believes there have been past commitments to the neighborhood and that the process should be transparent. He supports the acquisition of the park. He further expressed concern about accountability for the embezzlement.

Hazel Bauman, 9027 N. Maple Street, Hayden - Stated that as the School Superintendent she does enjoy a wonderful relationship with the City. She reiterated that the District needs to move out of the existing Administration building. She expressed her disappointment that staff to-staff negotiations ended up in the blogs, as the negotiations are not complete.

Ann Seddon, 2477 West Hull Loop – Stated that she is the School Board member that voted against going forward with the sale of Person field. She knows its value to the neighborhood and felt the neighborhood needed time to weigh in on the issue. She expressed her support of the extension of time by the School Board. Councilman Goodlander stated that she appreciated her no vote and the additional time for the City to explore options.

Susan Snedaker, 821 Hastings Avenue– Stated that she had spoken to the City Council many times regarding Person Field. She further stated that, she has brought the item of purchasing Person Field each year during the budget meetings. However, the City has never budgeted the acquisition, while other parks were funded. She reported that 60% of children in the neighborhood are on free or reduced lunch, and that this is their community park. She believes that it is vital for the City to acquire the park. Additionally, she protested the public relations contract.

Jody Teeter, 1320 Pennsylvania Avenue – Stated that she lives behind the park and believes it is an asset to the neighborhood. She encourages the City Council to acquire the land and keep it as

an open green space. Many neighbors are willing to help maintain the land.

COEUR D'ALENE LAKE DRIVE TRANSFER - Frank Orzell 310 E. Garden Avenue - Found the meeting regarding the transfer of land from ITD held on October 10th confusing. He, and others, thought the meeting was about a silver beach boat launch. He believes that the number one priority for the City should be providing services to the constituents of the City and that outdoor recreation support should be secondary. He felt the \$3 Million dollar carrot was distracting from the need and quality. He felt that there should have been prior discussion between East Side Highway District, ITD and the City regarding the estimates of roadway life expectancy and the cost to maintain it. He believes that risk could be mitigated by a geological assessment of the entire roadway, which should be major area of study for the City.

VACATION RENTALS – Chris Copstead, 1046 N. Government Way – Thanked the City and Staff and expressed appreciation for the job they do. He wanted to follow up on previous comments he made regarding vacation rentals. He explained that motels, hotels, and campgrounds charge a room tax for stays less than 30 days. Approximately half of that tax is returned to the region through grant dollars to promote tourism. Last year approximately \$393,000 was received by the Convention and Visitor's Bureau. Additionally, those types of uses have to pass inspections for fire codes, maximum occupancies are set, and parking and ADA requirements must be met. Vacation rentals do not have to comply with taxes or inspections. He stated he continues to work with his Homeowner's Association and the Code Enforcement Officer. He wants to let the community know it is a noncompliant use.

RECESS: The Mayor called for a 5-minute recess at 7:45 p.m. Return to regular session at 7:52 p.m.

CONSENT CALENDAR: Motion by Goodlander seconded by McEvers to approve the Consent Calendar as presented. Motion to amend by Gookin, seconded Kennedy to include the amendment to the October 2, 2012 Minutes, to include the words "motion carried" regarding the Johnston claim on page five." Motion carried.

1. Approval of minutes for October 2, 4, 8, 2012.
2. Setting of General Services and Public Works Committees meetings for October 22, 2012 at 12:00 noon and 4:00 p.m. respectively.
3. **CONSENT RESOLUTION NO. 12-040: 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 THE WAIVER OF COVERED LOAD REGULATIONS FROM NOVEMBER 1ST THROUGH THE 30TH FOR THE ANNUAL CITY LEAF PICK UP AND APPROVING THE DESTRUCTION OF RECORDS FOR THE LEGAL DEPARTMENT.**
4. Approval of Bills as Submitted
5. Cemetery Lot Repurchase from Denney M. Seamster

MAIN MOTION ROLL CALL: Kennedy Aye; Edinger Aye; Adams Aye; McEvers Aye; Goodlander Aye; Gookin Aye. Motion carried.

ADMINISTRATOR'S REPORT: Deputy City Administrator Jon Ingalls stated that the City of Coeur d'Alene will be sponsoring a multi-agency Environmental Open House on Wednesday, October 24th, from 3:00 p.m. to 6:00 p.m., at the Coeur d'Alene Public Library Community Room. For more information, contact Kim Harrington at 769-2214. The Coeur d'Alene Fire Department has teamed up with Kootenai County Emergency Medical Service System to demonstrate support for the Breast Cancer Awareness Month, by wearing pink medical gloves while responding to medical emergencies during the month of October. The City of Coeur d'Alene's annual Leaf Fest begins this year on November 13th. Be sure to keep leaves on your property until Monday, October 29th. For more information, call the Street Maintenance Information line at 769-2233. On Monday, October 10th, foliage, vegetation, and weed control cleanup commenced along the dike. The trail along the site will be closed to traffic and will be detoured to the trail on the other side of the bulk wall. The project should be completed by this Friday. Earthwork on the Third Street parking lot is complete, with the removal of 25,000 cubic yards of soil (lowering the level by 12 feet). Officials continue to evaluate temporary parking plans to accommodate motorists during construction.

COUNCIL ANNOUNCEMENTS:

Councilman Gookin reminded the community to not sweep leaves into the street until after October 29th.

Councilman Adams provided an update regarding his meetings with Kathy Hunt and Code Enforcement Officer Bob Foster. He stated that he would be meeting with Doyles and conducting sound testing next week.

Councilman Goodlander stated that the Mayor's Arts Awards were held last week and that the event was fortunate enough to be bumped from another location to the Hagadone Event Center. Two of three art pieces have been placed in the Education Corridor.

RESOLUTION 12-041

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO
AUTHORIZING AN INDEPENDENT CONTRACTOR AGREEMENT FOR A
COMMUNICATIONS COORDINATOR CONSULTANT WITH KRISTINA LYMAN.

Motion by Kennedy, seconded by Goodlander to adopt Resolution 12-041

Councilman Kennedy stated that there was no recommendation from General Services. He reiterated that this item was discussed in prior budget meetings, and stated that this agreement would be an independent contractor, and paid for through savings from two eliminated Project Coordinator positions. This position will consult on projects and called upon to share facts with the public regarding large scale projects. Councilman Kennedy stated he supports this agreement. He stated that local examples include Laura Rumpler with the School District, and the City of Post Falls. This position will report to the City Administrator.

DISCUSSION: Councilman Goodlander stated that this person will pick up some of the duties previous staff conducted, such as press releases, and create social media outlets like Facebook, Twitter, and blogs. She stated that this is not a tool for the City Council to get its points across, but rather an opportunity to tell citizens what the City is doing. She stated that the City of Boise and Post Falls have a person on staff filling this role. The City is choosing to do this through a contract.

Councilman Gookin is opposed to the Agreement due to the manner in which it came about, rather than through a bid/proposal basis. He is concerned about getting out facts when the City Council is split on many issues.

Ms. Gabriel provided information regarding what a Communication Coordinator could do for a City, including external and internal communication, and setting up and management of social media. Additionally, she provided examples of other cities utilizing social media to garner more public input during meetings. She explained that the position came about through discussions at the strategic planning meeting. Throughout the year, a Fire Department staff member, with a communications degree, provided suggestions regarding how to set up the functions of the position. The recommendation included one person to coordinate and consult with the public and additional money to hire a firm to do studies and research as needed. Ms. Gabriel said she was introduced to Ms. Lyman, who has no ties to local community organizations, which will be a benefit to the position. Ms. Gabriel stated that she has been contacted by four people demonstrating interest in the position. One wanted a full-time benefited position, two were affiliated with agencies the City works with, and one was received via text message. She stated that if the position were to be budgeted as a full-time benefited position, it would be advertised and applications would be accepted through the normal process.

Councilman Kennedy felt that this position will be the main contact for reporters as the quickest way to get the facts out.

Councilman McEvers doesn't understand Twitter and texting, but thinks it is worthwhile to try, so he will support the Agreement.

ROLL CALL: Kennedy Aye; Gookin No; McEvers Aye; Edinger No; Adams No; Goodlander Aye. Motion carried with the Mayor's tie-breaking vote in the affirmative.

ORDINANCE NO. 3451
COUNCIL BILL NO. 12-1024

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING PORTIONS OF RIGHT-OF-WAY IN THE MERRIAM PARK ADDITION SUBDIVISION, RECORDED IN BOOK "B" OF PLATS, PAGE 84, RECORDS OF KOOTENAI COUNTY, COEUR D'ALENE, IDAHO, GENERALLY DESCRIBED AS PORTIONS OF GOVERNMENT ROAD ALONG THE SOUTHERLY BOUNDARY OF THE PLAT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Edinger, seconded by Kennedy to pass the first reading of Council Bill No. 12-1024. ROLL CALL: Gookin Aye; Goodlander Aye; Kennedy Aye; McEvers Aye; Adams Aye; Edinger Aye. Motion carried.

Motion by Goodlander, seconded by McEvers to suspend the rules and to adopt Council Bill No. 12-1024 by its having had one reading by title only. ROLL CALL: Gookin Aye; Goodlander Aye; Kennedy Aye; McEvers Aye; Adams Aye; Edinger Aye. Motion carried.

RESOLUTION 12-042

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AMENDMENT NO. 4 TO THE CONTRACT WITH THE COEUR D'ALENE FIREFIGHTERS LOCAL NO. 710, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS

Motion by Goodlander, seconded by Kennedy to adopt Resolution 12-042 ROLL CALL: Adams Aye; Goodlander Aye; McEvers Aye; Kennedy Aye; Edinger Aye; Gookin Aye. Motion carried.

PUBLIC HEARING – O-2-12 AMENDMENTS TO THE SHORELINE REGULATIONS:

Mayor Bloem read the rules of order for the public hearing. Planning Director, Dave Yadon, presented the staff report explaining that this amendment would allow improvements within 40 feet of the shoreline, on city owned property, if the improvements enhance public access to or at the water. Public access can be physical or visual. Previous allowances have been allowed through PUD, some examples include NIC, the Coeur d'Alene Resort, East Lakeshore Drive area, Blackwell Island BLM project, and the Park at Mill River. This amendment would allow for improvements such as pathways, ramps, docks, seating areas, and other public amenities without going through the PUD process.

Councilman Gookin asked for clarification if the amendment is approved as to what guarantees the City would have that there would be accessible parking next to the access points, such as Rosenberry Drive. Ms. Gabriel stated that changing the use would not trigger changes to the parking lot; however, it would be reasonable to put in accessible spaces at that time. She clarified that if a new project were proposed, it would come through the budget process for City Council approval. Mr. Yadon stated that the proposed amendment provides flexibility to the City to provide access as desired by the City. Ms. Gabriel stated that there is a potential project at McEuen at the seawall, which is within 40 feet of the shoreline, and the proposed change would allow installation of picnic tables, etc. without requiring a PUD. She clarified that private property would still require a PUD for any requests for construction within 40 feet of the shoreline.

Councilman Edinger asked if there were any known projects at Tubbs Hill. Ms. Gabriel stated that two years ago there was discussion regarding extending the public docks at 11th Street, but no projects on Tubbs Hill.

PUBLIC COMMENTS: Mayor Bloem called for public comments.

Tom McTevia, 4586 Princetown Lane - Stated he was in favor of the amendment allowing accessible entrance into the water. People require tools to overcome inconveniences, and he requires certain tools to access the water in a wheelchair.

Don Waddell signed up in favor but did not wish to testify.

ORDINANCE NO. 3452
COUNCIL BILL NO. 12-1025

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING MUNICIPAL CODE SECTIONS 17.08.205 AND 17.08.230 TO PROVIDE THAT THE COEUR D'ALENE WASTEWATER TREATMENT PLANT AND IMPROVEMENTS ON CITY OWNED PROPERTY INTENDED TO PROVIDE OR SECURE PHYSICAL OR VISUAL ACCESS TO THE SHORELINE ARE NOT SUBJECT TO THE CITY'S SHORELINE REGULATIONS; 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 by Kennedy, seconded by Edinger to pass the first reading of Council Bill No. 12-1025.

DISCUSSION: Councilman Gookin stated that he is happy the City is going forward with this amendment. He feels that it was very educational to learn about physical disabilities and to provide accessibility to the water.

ROLL CALL: Kennedy Aye; McEvers Aye; Adams Aye; Edinger Aye; Gookin Aye; Goodlander Aye. Motion carried.

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 12-1025 by its having had one reading by title only.

ROLL CALL: Kennedy Aye; McEvers Aye; Adams Aye; Edinger Aye; Gookin Aye; Goodlander Aye. Motion carried.

I.C. 67-2345 Motion by Gookin, seconded by Adams to enter into Executive Session as provided by I.C. 67-2345 § 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.

The Council entered into Executive Session at 8:43 p.m. Members present were the Mayor, City Administrator, City Council, City Attorney, Finance Director, and Deputy City Administrator.

Matters discussed were pending litigation including Dixon Mediation and the stormwater utility. No action was taken and the Council returned to its regular session at 9:12 p.m.

DIXON MEDIATION: Motion by Kennedy, seconded by Gookin to accept the City Attorney's recommendation regarding the Dixon mediation.

ROLL CALL: Gookin Aye; Kennedy Aye; Edinger Aye; Adams Aye; McEvers Aye; Goodlander Aye. Motion carried.

ADJOURNMENT: Motion by Adams, seconded by Gookin that, there being no further business, this meeting is adjourned. Motion carried.

The meeting adjourned at 9:14 p.m.

Sandi Bloem, Mayor

ATTEST:

Renata McLeod
City Clerk Apprentice