

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

June 5, 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 June 5, 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)	
Woody McEvers)	
Deanna Goodlander)	
Dan Gookin)	
Steve Adams)	

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

INVOCATION: Invocation was led by Pastor Paul VanNoy, Candlelight Christian Fellowship.

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

PRESENTATION – ART CURRENTS AND UTILITY BOX ARTWORK: Eden Irgens and Joe Sharnetsky, City Arts Commission members, updated the Council on the Art Currents and Utility Box Artwork projects. Councilman Goodlander introduced former Councilman Nancy Sue Wallace who was the originator of the ordinance creating public art.

PUBLIC COMMENTS:

STAND UP FOR SANDI: Nancy Sue Wallace, 2345 E. Par Harbor Road, Hayden Lake, speaking on behalf of a group of concerned citizens with approximately 200 of that group present, expressed their appreciation for Mayor Bloem, Councilman Kennedy, Goodlander and McEvers for their leadership, making tough decisions, and taking the high road. Mayor Bloem on behalf of the Council members expressed their honor and being overwhelmed of the support of this community. She noted that this group has made this community richer for what they have done. Councilman Goodlander added that she thanked this group and is also humbled and honored by this group.

RECALL PETITION: Chris Copstead, 1046 N. Gov't Way, commented that he believes that Mayor Bloem is the best Mayor this city has had and complimented the remaining Council for the great job they are doing. He commented that he believes he had been presented a recall petition under false information in that he was asked to sign a national petition. He commented

that he received a letter from the Recall Group that he can come in and remove his name from their petition. He noted that if his name is indeed on the petition, he will pursue legal action.

RECALL REPRESENTATIVE: Charlotte Gherke, 1308 Coeur d'Alene Avenue, representing the Recall Coeur d'Alene group, commented that the recall is nothing personal towards the Mayor and Council but believes that the recall to remove the Mayor and three Councilmen from office is because the group's views were not heard. She commented that the Recall Group has been nothing but professional and courteous to all citizens. Mayor Bloem noted that the Council and herself have listened to the McEuen Park process more than any other issue of this city, that the Mayor and Council have weighed all the comments and had made their decision based on public input and do not feel it is right or fair to say that the recall is because they did not listen.

Linda Wolovich, 1018 B Street, commented that she does not feel the current Mayor and Council would have been re-elected if they had run on the McEuen Park platform.

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

1. Approval of minutes for May 15, 2012.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, June 11th, 2012 at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 12-018: 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 REPEALING RESOLUTION NO. 11-001 WHICH ESTABLISHED A TAXICAB PICK-UP / DROP OFF "OPEN STAND" ON THE 4TH DAY OF JANUARY 2011; APPROVING A CONTRACT FOR DRILLING ATLAS TEST WELL WITH H2O WELL SERVICES, INC.; APPROVING S-2-03 FINAL PLAT APPROVAL AND MAINTENANCE / WARRANTY AGREEMENT FOR WATERFORD 7TH ADDITION; APPROVING SS-5-12 FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT FOR ELMER'S ADDITION TO COEUR D'ALENE; APPROVING AMENDMENT NO. 4 TO THE DIAMOND PARKING AGREEMENT – ON-STREET PARKING ENFORCEMENT TO INCLUDE PARK AVENUE; APPROVING AMENDMENT NO. 4 TO THE DIAMOND PARKING AGREEMENT – PARKING LOT ENFORCEMENT TO INCLUDE LIBRARY PARKING LOT; AND APPROVING THE DESTRUCTION OF RECORDS – LEGAL DEPARTMENT / CIVIL DIVISION.
4. Authorizing the surplus and donation of a City Police Department vehicle to NIC's POST Academy.
5. Approval of annual request for the Downtown Association's free carriage rides.
6. Approval of fireworks stands
7. Approval of sole source procurement for Vievu body worn cameras for the Police Department
8. SS-2-12 – Final plat approval for Trinity Centers

DISCUSSION: Councilman McEvers commented that he has been bothered with allowing the fireworks stands and that it is not the safe and sane fireworks but the illegal fireworks that he

objects to. He questioned whether the City's priorities are right regarding the display of fireworks and wanted to know if it is time for the Council to look at the fireworks regulations for the City. Councilman Gookin noted that technically the fireworks stands are following the laws of the City so he doesn't think the Council should deny the permits but rather the Council should look at the regulations. He noted that he and Councilman McEvers are from California where fireworks are banned and one would have to bring fireworks in from Mexico.

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

COUNCIL COMMENTS:

COUNCILMAN GOOKIN: Councilman Gookin announced that he and Councilman Adams had travelled to Richland, Washington for training as a firefighter. This experience was enlightening and he thanked the Firefighter Union who hosted their training and noted that he has gained invaluable experience and a better understanding of what our Fire Department does. Councilman Adams expressed his appreciation for the experience as well.

APPOINTMENT TO URBAN FORESTRY COMMITTEE: Motion by Kennedy, seconded by Goodlander to appoint Lauren Goshke to the Urban Forestry Committee. Motion carried.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel announced the following construction updates: The Water Department continues water main construction work in the Forest Heights Addition (south of Forest Cemetery and west of Government Way). There will be minor traffic detours during construction. Any detours will be well signed. The Water Department is also conducting its fire hydrant maintenance program. Hydrants will be flushed and painted in the general area of Huetter Road going east to 15 Street and Appleway Avenue going south to Ironwood Drive. The construction phase of the 2012 Open Trench Sewer Replacement Project began in mid-May. For the week of June 4th – 8th: D Street (north of Virginia Avenue) – the contractor will be installing water, sewer, and storm drain piping. D Street (north of Virginia Avenue) will be closed to thru traffic; Nora Street (Walnut to LaCrosse) – Paving is scheduled for today, weather permitting and the roadway will be closed to thru traffic all day; Mullan Road (NW Blvd to Garden) – Paving is complete – final clean-up and striping/markings to be completed; Foster Avenue (6th to 9th) – Paving completed on Foster Avenue, and; Final paving and restoration of alley between 8th & 9th to take place Tuesday, June 5th. During the construction period, area residents can expect equipment noise and brief traffic delays. For information on the project, please contact Jim Remitz, Project Manager, at 769-2278. Congratulations to Officer Gus Wessel for earning honors as a "Top Cop" at the Kootenai County Substance Abuse Council's annual luncheon. Congratulations go to Coeur d'Alene Fire Department Inspector Bobby Gonder on his receipt of the "Edward Zigler Innovation Award" last week from the North Idaho College Head Start program for his dedication of time and innovative approach to keeping kids safe by presenting the National Fire Protection Association's "Learn Not to Burn" program. Our congratulations go to the winners of the 2012 Writers Competition at the Coeur d'Alene Public Library. Winners were announced Saturday, May 19, in a ceremony at the library. The Coeur d'Alene Public Library, along with the other libraries of North Idaho, announced the Summer Reading programs! This year's theme is "Dream Big – Read" and offers regular programs and special activities for all ages beginning

June 12 and continuing through July 26th. On May 18, 2012, Captain Rich Halligan and Firefighter Blain were each awarded the State of Idaho Medal of Honor Friday for the rescue of a young girl from a submerged vehicle in Fernan Lake earlier this year. Last week's Bike to Work week was a resounding success. This year, the City had the highest number of businesses compete with some great participation by each company. The City won the award for the highest number of employees over age 50 who participated. A tip from the city's Pedestrian & Bicycle Advisory Committee: When bicycles are traveling down a street without bike lanes, automobile drivers should always give cyclists at least three feet of distance when they travel by them.

Mrs. Gabriel presented the following items: Rumor Control: Rumor - that the City is going to sneak around and sneak in some dollars to pay for the McEuen Park projects. The truth is that the funding will not come from new tax dollars. Rumor - that the City is sneaking in overlay dollars into this McEuen Project. The truth is that on March 6th, the Council approved funding for the Front Avenue improvements using Overlay funds and this has never been a secret and that the use of the overlay funds will be for the reconstruction of Front Street and none of the overlay fund will be used to improve McEuen Park. This will be the only project for this year's overlay fund.

Councilman Edinger asked what the vote was on the March 6th meeting for the funding of Front Street Improvement Project. Mrs. Gabriel responded that it was a motion that was carried. Councilman Edinger asked if the Front Avenue improvement project benefits McEuen Park. Mrs. Gabriel responded that the Front Avenue project has been planned for several years but this is the time to do the project to make sure it blends with the McEuen Park design. Councilman Goodlander commented that over the years the Front Avenue Improvement project has been on the City's overlay plan and when we didn't use the funding for Front Avenue in the past we used that funding to complete other overlay projects. Mayor Bloem noted that when the City adopted the Complete Street Project for Sherman Avenue several years ago that the City extended the improvements to Lakeside and it was always planned for Front Avenue and that this project is now planned for this year. Councilman Gookin commented that when the City purchased Cherry Hill property that part of the improvement was to install sidewalks so the improvements to 15th Street will be delayed til next year. Mrs. Gabriel commented that is correct. He then asked if the \$14.2 million was the amount given for the McEuen Park Project, why is the City "shoveling" \$600,000 from the Overlay fund to redo Front Avenue. Mrs. Gabriel responded that the \$600,000 was included in the overall McEuen Park Improvement Project which includes the park proper, the parking facility, and the Front Avenue Improvements. Councilman Kennedy noted that it was clearly stated that the Front Avenue project would be included in the overall park improvement project as an economy of scale and that it was made clear at the March 6th Council meeting. Councilman Goodlander also noted that by doing the projects together the city is actually saving costs. Councilman Gookin commented that he found it curious that the City's Chief Engineer commented that he was surprised that the 15th Street overlay project was being delayed for the Front Avenue Improvement Project. Councilman Edinger also commented that he was told that the City Engineer was "shocked" that the Front Avenue Improvement Project was going to take all the overlay money for this year. Councilman Goodlander is surprised that the City Engineer is "shocked" in that he has sat through several of the meetings regarding the Front Avenue project. Mayor Bloem noted that in defense of the City Engineer, she believes that he did not realize that Front Avenue was using the entire overlay fund this year.

Mrs. Garbriel continued with rumor control RUMOR- Recall Cd'A put a flyer out stating that the design team was given a \$1.9 million dollar contract without a bid process. FACT - Professional services by state law do not follow the bidding process but rather the process by law is completed by a "Request for Qualifications" which the City did complete and had a selection committee review the proposals received from four different firms. RUMOR - The same postcard stated that the Team McEuen owns the two tower condominiums. FACT - The majority of the buildings owned by private owners. RUMOR - The City's Department Heads make more money than Caldwell and Twin Falls. FACT - She cautioned citizens to compare the job descriptions and years of service of the employees not just job titles. She noted that our City Finance Director takes on the responsibilities of three different departments in Twin Falls. Additionally our Finance Director has been working for the City for 12 years and the Finance Director in Twin Falls has been employed for 2 years. She noted that the City did a survey of 10 North Idaho Cities, which showed that the City's Department Heads do not have the highest wage scale out of the 10 cities compared. She compared other Cities that have Public Works Directors and Growth Services Directors to our City which does not have that layer of management

Councilman Adams commented that the Street Overlay budget includes various other city streets and tonight he learned that the Overlay budget will be all going to the Front Avenue Project. Mrs. Gabriel explained that the budget is an estimate and direction from Council moves the proposed projects.

ORDINANCE NO. 3443
COUNCIL BILL NO. 12-1016

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING 5.08.160 BEER, WINE OR LIQUOR PROHIBITIONS WITHIN THE CITY; EXCEPTIONS, TO INCLUDE THE COEUR D'ALENE PUBLIC LIBRARY FOR SPECIFIC EVENTS HELD BY THE LIBRARY FOUNDATION; 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.

STAFF REPORT: City Attorney Gridley reported that the Library Foundation brought forward this request and noted that as part of a fund raising process for other libraries they allow alcohol. Since the City has a law that prohibits alcoholic beverages in public buildings, they Foundation requested the Council amend the code. He noted that if the Foundation does have an event that Idaho Law does allow charitable organizations a permit for up to three days to serve alcohol. Councilman Kennedy noted that this code amendment is only for the Library Foundation and other associated library organizations to allow alcoholic beverages. Councilman Goodlander noted that the serving of alcoholic beverages would only occur after Library hours. She would also like to take out the restriction that alcoholic beverages is only done free of charge but rather that they can have an event and charge for the alcohol.

MOTION TO AMEND ORDINANCE: Motion by Goodlander, seconded by Kennedy to remove the words “free of charge” from Item 7 in the amended ordinance. Councilman Kennedy noted that the intent is to allow only those events where the proceeds benefit the Library. Motion carried with Gookin voting no.

Motion by Kennedy, seconded by Edinger to pass the first reading of Council Bill No. 12-1016.

Councilman Gookin noted that he voted no to the amendment in that he has concerns regarding the overall regulations itself. He also noted that the list of exceptions is ever-growing and believes that maybe the whole code should be rewritten. City Attorney Gridley concurred.

ROLL CALL: Adams, Aye; Edinger, Aye; Gookin, No; Goodlander, Aye; Kennedy, Aye; McEvers, Aye. Motion carried.

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill 12-1016 by its having had one reading by title only.

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

RESIGNATION OF CITY CLERK AND APPOINTMENT OF NEW CITY CLERK: City Clerk Susan Weathers read her letter of resignation and requested Council to accept her resignation effective January 3, 2013.

MOTION: Motion by Kennedy, seconded by Goodlander to accept the resignation of Susan Weathers as City Clerk effective January 3, 2013.

Councilmembers and the Mayor expressed their appreciation of Susan. Motion carried.

MOTION: Mayor Bloem gave her nomination for filling the vacancy of City Clerk as Renata McLeod. Motion by Kennedy, seconded by Edinger to appoint Renata McLeod as the City Clerk effective January 3, 2013. Councilman Kennedy commented on Mrs. McLeod’s qualifications thanked her for all her efforts in helping him in the past. Councilman Edinger and Gookin also complimented Mrs. McLeod on her appointment. Motion carried.

RECESS: Mayor Bloem called for a recess at 8:20 p.m. The meeting reconvened at 8:27 p.m.

RESOLUTION NO. 12-019

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A LEASE AGREEMENT FOR THE 4TH OF JULY PARKING LOT LEASE, WITH THE COEUR D'ALENE CHAMBER OF COMMERCE.

STAFF REPORT: Finance Director Troy Tymesen reported that in the past the City has leased individual lots to entities that have wanted the space to display goods or conduct auctions. The

proposal from the Chamber and previously recommended by the Parking Commission is to allow the Chamber to lease the City owned lots for \$10,570.00, which is the projected revenue to the Parking Fund for the 4th of July event parking day. This would be the third year of this partnership. The City has set a fee of \$7.00 for event day parking. The Chamber is proposing to charge \$15.00 per car for parking on the 4th of July in order to generate income to assist with the cost of the fireworks display. The estimated cost of the fireworks display is \$30,000.00. The Chamber is being asked to take on more responsibility for the traffic control expense on that day. Last year the Chamber supplied 11 flaggers. The City has asked the Chamber to supply 20 certified traffic flaggers at their cost.

Councilman McEvers asked what is the increase revenue to the City. Mr. Tymesen noted that the City would only realize more funds as a result of the additional parking lots leased by the Chamber. Councilman McEvers asked if other organizations could lease the Parking Lot. Mr. Tymesen responded that they could. Councilman Edinger asked Steve Wilson from the Chamber that although the Chamber is charging \$15.00 for parking, doesn't the Chamber also charge for entries into the parade. Mr. Wilson responded that the cost for the 4th of July events cost approximately \$62,000 which both the parking and parade entry fees help cover. Mr. Wilson explained that the parade, events in the park, cost of port-a-potties, fireworks display, and traffic control cost about \$62,000 and the fireworks display's share of the cost is approximately \$30,000. Councilman Gookin asked if the city benefits from this lease. Mr. Tymesen responded that this lease is equitable and noted the other organizations that have leased various parking lots. He added the City would receive the \$7.00/car on the 4th but the Chamber will provide the port-a-potties, etc. Councilman Edinger noted that as a past member of the Chamber, it has always been difficult for them to raise the funds for the 4th of July events and believes this is a worthwhile cause. Councilman Goodlander recalled her daughter's experience of being the Chamber president and the 4th of July.

Motion by Kennedy, seconded by Goodlander to adopt Resolution 12-019.

Mr. Wilson from the Chamber also reported on the different fund raising efforts besides the parking lot lease that the Chamber undertakes to cover the cost of the events during the 4th of July. Councilman Edinger commented that he has noted the number of people who enjoy the parade that do not contribute to the "bucket brigade" during the parade.

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

PUBLIC HEARING – ESTABLISHING A USED MERCHANDISE DEALER

EMPLOYEE FEE: Mayor Bloem read the rules of order for this public hearing. Police Captain Ron Clark gave the staff report.

Captain Clark reported that tonight's public hearing is to consider establishing a fee for the administration and processing of a license for employees of User Merchandise Dealer businesses.

On April 27, 2012 the City Council adopted Ordinance No. 3437 amending the used merchandise dealers' regulations. Resolution 95-035 established the dealer's fee as follows: "Persons engaged in the business of loaning money with articles kept as security or buying and selling used articles- \$200.00". Since the fee for the dealer's license was amended in Resolution 95-035 it will remain at that rate. Ordinance No. 3437 does add the requirement for employees ~~to be licensed and which process includes completing an FBI background check prior to having a~~ license issued.

Staff is proposing a \$5.00/year license fee for employees. The employee's initial cost would include the proposed \$5.00 cost as well as their cost to apply and complete the FBI background check which is \$45.00. The FBI background check is only required for their initial licensure, annual renewals would then cost \$5.00/year. In order to be consistent, this fee is based on the same rate established for childcare facility employees who are also required to be licensed and complete an FBI background check.

Councilman Gookin and Edinger commented on the need for charging employees for an individual license.

PUBLIC COMMENTS: Mayor Bloem called for public comments with none being received.

MOTION: Motion by Kennedy, seconded by McEvers to approve the recommended fee for Used Merchandise Dealers Employees and adopt Resolution 12-020.

ROLL CALL: Adams, Aye; Edinger Aye; Kennedy, Aye; Goodlander, Aye; McEvers, No; Gookin, No. Motion carried.

EXECUTIVE SESSION: Motion by Gookin, seconded by Adams to enter into Executive Session as provided by I.C. 67-2345 §A: To consider hiring a public officer, employee, staff member or individual agent; and, §C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property, which is not owned by a public agency,

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

The Council entered into Executive Session at 9:00 p.m. Those present were the Mayor, City Council, City Administrator, City Attorney, and Deputy City Attorney, and the Human Resources Director.

Matters discussed were contracting for a city representative in labor negotiations and labor negotiations. No action was taken and the Council returned to its regular session at 9:21 p.m.

RESOLUTION NO. 12-021

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE 2012 EMPLOYEE SEPARATION INCENTIVE - LETTER OF AGREEMENTS (LOA).

Motion by Gookin, seconded by Adams to adopt Resolution 12-021.

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

CITY REPRESENTATIVE IN LABOR NEGOTIATIONS: Motion by Kennedy, seconded by Edinger to authorize staff to negotiate an agreement with an individual agent to represent the City in labor negotiations with the Police Association. Motion carried.

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

The meeting adjourned at 9:24 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk