

**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 20, 2004**

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 Hall, January 20, 2004 at 6:00 p.m., there being present upon roll call the following members:

Dixie Reid, Mayor Pro Tem

Woody McEvers)	Members of Council Present
Loren Edinger)	
Dixie Reid)	
Al Hassell)	
Deanna Goodlander)	

Ben Wolfinger)	Members of Council Absent
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CALL TO ORDER: The meeting was called to order by Mayor Pro Tem Reid.

INVOCATION was led by Pastor Ray Duran, Calvary Chapel of Rathdrum .

PLEDGE OF ALLEGIANCE: Councilman led the pledge of allegiance.

PRESENTATION – FOUR CORNERS DEVELOPMENT PLAN: Denny Hague, Chairman of the Downtown Public Spaces Master Planning Committee (aka Committee of Nine), introduced the members of the Committee and explained the purpose of the Committee. Dell Hatch presented the proposed improvements to the areas of Independence Point, the Museum, Memorial Field, Skate Park and the adjacent railroad property as outlined in the Walker Macy Plan. He noted that currently there are approximately 200 parking spaces with this proposed plan parking would increase to 480 spaces. Mayor Pro Tem Reid expressed her appreciation for all the hard work this committee has done over the past 12 months.

PUBLIC COMMENTS:

POLICE CHIEF APPOINTMENT: Mr. Randall Tetzner, 1391 W. Bering Drive - spoke in opposition to Wendy Carpenter being appointed as Police Chief.

FOUR CORNERS DEVELOPMENT PLAN: Steve McCrea, 807 W. Lakeshore, representing the Fort Ground Homeowners Association, noted that the Association believes it is a very good plan especially the non-commercialization of this area, but they do have concerns with the traffic flow and possible noise if the baseball field is turned into a venue for outdoor concerts. Additionally, they would like to see bike paths through this area. They have an issue with the traffic circle in that it impacts on-street parking for the residents in that area. On a final note, the children's park directly west of Memorial Field should remain as it is used by a lot of children in this area. Jim Ball, Civil Engineer in Washington, retired in Coeur d'Alene. He has been involved in transportation planning in Seattle and Northwest Washington. He believes that the plan is an excellent plan; however, he has a concern with

the removal of the railroad tracks. He cited Dallas as an example of a City that had removed railroad tracks and now is building a light rail system for a price of \$3,000,000,000.00. He believes the City should consider the development of a light rail system that connects to Spokane through Liberty Lake and Post Falls.

SHORELINE REGULATIONS: Jerry Frank, 1415 E. Lakeshore voice his concern of the Planning Commission allowing the newly developed areas to construct along the shoreline, and feels that property owners along E. Lakeshore Drive be allowed to do the same as this newly annexed area. He would like to have a citizens committee to review the shorelines regulations.

CONSENT CALENDAR: Motion by Wolfinger, seconded by Goodlander to approve the Consent Calendar as presented.

1. Approval of minutes for January 6, 2004.
2. The General Services Committee and Public Works Committee meetings are scheduled for January 26, 2004 at 4:00 p.m.
3. RESOLUTION 04-025: 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 OF A BID AWARD TO H2O WELL SERVICE IN THE AMOUNT OF \$106,600.00; FOR THE PURCHASE OF PUMP AND MOTOR AND AWARD OF BID TO THORCO ELECTRIC IN THE AMOUNT OF \$89,950.00, FOR THE PURCHASE OF MOTOR CONTROL CENTER FOR ANNIE WELL; APPROVAL OF A BID AWARD TO WESTERN POWER AND EQUIPMENT IN THE AMOUNT OF \$116,600.00 FOR THE PURCHASE OF A LOADER WITH SNOW PLOW AND SNOW GATE; APPROVAL OF AN AMENDMENT TO APPENDIX "A" OF THE MASTER PROVIDER AGREEMENT WITH KOOTENAI COUNTY EMERGENCY MEDICAL SERVICES SYSTEM (KCEMSS) PURSUANT TO RESOLUTION NO. 03-049 ADOPTED THE 6TH DAY OF MAY, 2003.
4. Setting of Public Hearing V-04-1 - vacation of portion of 18th and Pine Ave. in Kaesmeyer Addition for February 17, 2004.
5. Setting of Public Hearing for Creation of Stormwater utility and setting of utility rates for February 3, 2004.
6. Authorizing the purchase of Thatcher Equipment in lieu of purchase of Turf sweeper for Cemetery.
7. Declaring certain computer hardware surplus.
8. Approval of beer/wine licenses for: Cd'A Cellars, Costco Wholesale, Marla's and Elmer's.
9. Approval of bills as submitted and on file in the Office of the City Clerk.
10. SS-12-03 - Final Plat Approval for Ball's 1st Addition.

ROLL CALL: Reid, Aye; Goodlander, Aye; Edinger, Aye; Wolfinger, Aye; Hassell, Aye; McEvers, Aye. Motion carried.

PUBLIC HEARING –RENEWAL OF FRANCHISE ORDINANCE WITH ADELPHIA CABLE: Mayor Pro Tem Reid read the rules of order for this public hearing. Deputy City Attorney, Wes Somerton, gave staff report.

Mr. Somerton reported that the proposed agreement and ordinance will replace current Ordinance No. 2573. The length of the new franchise agreement will be for 10 years or until January 2014. This agreement features the same responsibilities and requirements as other entities operating within the City of Coeur d'Alene's public rights-of-way such as tree trimming, sharing rights-of-way access, shared trenching and obtaining the proper permit before working in the streets and rights-of-way. He reported that new to this agreement will be the capital contributions by Adelphia Cable Communications for equipment and other expenses to enhance and improve our governmental and educational local broadcasting capabilities. The amount of capital contribution is \$100,000.00 with limited technical advice but not staff time. Also, this agreement will allow the City to have 24/7 broadcast control of its government channel (Channel 19).

PUBLIC COMMENTS: Mr. Tetzner, 1391 Berring Dr., stated that he had requested DSL service and did not receive it until 9 months later. He also had signed up for the \$19.95/month deal and each month he has to call them to straighten out his bill. Jim Uebelher, Adelphia, thanked City staff for their help in developing this franchise agreement. He feels this is a great partnership between the City and Adelphia. City Attorney, Mike Gridley, expressed his gratitude for Renata McLeod and Wes Somerton for their tremendous efforts in helping draft this agreement.

ORDINANCE NO. 3161

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, IDAHO, GRANTING A NONEXCLUSIVE CABLE TELEVISION FRANCHISE TO KOOTENAI CABLE, INC., D/B/A/ ADELPHIA CABLE COMMUNICATIONS AND OTHER MATTERS PROPERLY RELATING THERETO.

Motion by Edinger, seconded by McEvers to pass the first reading of Ordinance No. 3161.

ROLL CALL: Hassell, Aye; Goodlander, Aye; Wolfinger, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye. Motion carried.

Motion by Wolfinger, seconded by Goodlander to suspend the rules and to adopt Ordinance No. 3161 by its having had one reading by title only.

ROLL CALL: Hassell, Aye; Goodlander, Aye; Wolfinger, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye. Motion carried.

SUMMARY OF ORDINANCE NO. 3161: Motion by Wolfinger, seconded by Goodlander to adopt the summary of Ordinance No. 3161 for publication purposes. **ROLL CALL:** Hassell, Aye; Goodlander, Aye; Wolfinger, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye. Motion carried.

STUMP ART: Councilman Wolfinger noted that the Arts Commission will be advertising for proposals for artists to complete more stump art for the City.

RECREATION REPORT: Councilman Hassell announced that 1st and 2nd grade basketball registration has just concluded with 175 children registered. A 3rd, 4th 5th grade

basketball tournament was held last weekend with 14 teams participating. Paula Austin was the tournament director. Over 100 children have registered for swim lessons which will begin this Saturday. The 3rd through 7th grade AAU basketball league started this past Monday with over 40 teams registered.

ANNIVERSARY: Councilman McEvers noted that tonight was his and his wife's 4th wedding anniversary.

NORTH IDAHO FIRE CHIEF'S ASSOCIATION: Mayor Pro Tem Reid announced that the North Idaho Fire Chiefs Association has re-elected Fire Chief Kenny Gabriel as their President.

RE-APPOINTMENTS TO URBAN FORESTRY COMMITTEE: Motion by Edinger, seconded by Wolfinger to re-appoint Ladd Livingston and John Schwandt to the Urban Forestry Committee. Motion carried.

APPOINTMENT TO THE PERSONNEL APPEALS BOARD: Motion by Goodlander, seconded by Edinger to appoint Judy Drake, Kelly Ostrom and Sue Servick to the Personnel Appeals Board. Motion carried.

APPOINTMENT TO THE NOISE ABATEMENT BOARD: Motion by Wolfinger, seconded by Goodlander to appoint Betty Nelson and Dave Wagner to the Noise Abatement Board. Motion carried.

EXECUTIVE TEAM REPORT: City Attorney, Mike Gridley, representing the Executive Team, announced that the public hearing for the stormwater utility that was originally scheduled for tonight's meeting has been rescheduled for February 3, 2004. The Parks and Recreation Foundation is now functioning. Information regarding this organization will soon be disseminated on how organizations can help the city acquire and develop parkland. Applications are currently being accepted for the Police Department's Property/Evidence Specialist position and the Growth Services Department's Project Designer position.

GOLF COURSE WELL PROJECT: Council President Reid reported that, after further research, it has been determined to be in the best interest for the City to abandon the proposed Golf Course Well project.

RESOLUTION 04-026

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING PERSONNEL RULE I, GENERAL PROVISIONS, SECTION 4, ENTITLED "COMPETITIVE SERVICE" TO LIST EACH DEPARTMENT HEAD POSITION; AMENDING PERSONNEL RULE I, GENERAL PROVISIONS, SECTION 7, ENTITLED "PROBATIONARY PERIOD" TO PROVIDE PROBATIONARY PERIOD FOR STAFF ATTORNEYS TO BE TWELVE (12) MONTHS; AND TO AMEND RULES X, PROBATIONARY PERIOD, SECTION 1, ENTITLED "REGULAR APPOINTMENT FOLLOWING PROBATIONARY PERIOD" TO EXCLUDE PROMOTIONAL APPOINTMENTS AND STAFF

ATTORNEY POSITIONS, AS THEY ARE SET FORTH UNDER SEPARATE SECTIONS OF THE PERSONNEL RULES.

Motion by Wolfinger, seconded by Edinger to adopt Resolution 04-026.

ROLL CALL: Reid, Aye; Edinger, Aye; Goodlander, Aye; Hassell, Aye; Wolfinger, Aye; McEvers, Aye. Motion carried.

RESOLUTION 04-027

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING RATE ADJUSTMENTS AS PROPOSED BY DELTA DENTAL, BLUE CROSS AND GROUP HEALTH OPTIONS FOR HEALTH AND DENTAL INSURANCE.

Motion by Edinger, seconded by Wolfinger to adopt Resolution 04-027.

ROLL CALL: Wolfinger, Aye; Goodlander, Aye; Hassell, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye. Motion carried.

RESOLUTION 04-028

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AMENDMENT TO RESOLUTION NO. 04-023 ADOPTED THE 6TH DAY OF JANUARY 2004.

Motion by Wolfinger, seconded by McEvers to adopt Resolution 04-028.

ROLL CALL: Reid, Aye; Edinger, Aye; Goodlander, Aye; Hassell, Aye; Wolfinger, Aye; McEvers, Aye. Motion carried.

RESOLUTION 04-029

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING PERSONNEL RULE I, SECTION 15, ENTITLED "DEPARTMENT HEADS" AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Goodlander, seconded by McEvers to adopt Resolution 04-029.

ROLL CALL: Wolfinger, Aye; Edinger, Aye; Goodlander, Aye; Hassell, Aye; Reid, Aye; McEvers, Aye. Motion carried.

APPOINTMENT OF NEW CHIEF OF POLICE: Motion by Edinger, seconded by Goodlander to appoint Wendy Carpenter as the Chief of Police. Motion carried.

EXECUTIVE SESSION: Motion by Wolfinger, seconded by Goodlander enter into Executive Session as provided by Idaho Code 67-2345 Subsection 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; Subsection C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property not owned by a public agency; and Subsection F: To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

ROLL CALL: Reid, Aye; Goodlander, Aye; Edinger, Aye; Wolfinger, Aye; Hassell, Aye; McEvers, Aye. Motion carried. Motion carried.

The session began at 7:36 p.m. Members present were the Mayor, City Council and City Administrator.

Matters discussed were those of property acquisition, personnel matters, and labor negotiations and pending litigation.

Councilman Wolfinger left the meeting at 9:30 p.m.

No action was taken and the Council returned to regular session at 9:45 p.m.

COUNCIL TRAVEL AND TRAINING POLICY: Motion by Goodlander, seconded by McEvers to set a policy that City funded out-of-state travel by Council members requires full Council approval. Motion carried.

NLC CONFERENCE DELEGATE: Motion by Reid, seconded by McEvers to appoint Councilman Deanna Goodlander as the City's voting delegate to the upcoming National League of Cities Conference. Motion carried.

ADJOURNMENT: Motion by Goodlander, seconded by McEvers that, there being no further business, this meeting be adjourned.

The meeting adjourned at 9:55 p.m.

Dixie Reid, Mayor Pro Tem

ATTEST:

Susan K. Weathers, City Clerk