

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D’ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
APRIL 6, 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 April 6, 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 Phil Muthersbaugh, LifeSource Community Church.

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

PROCLAMATION – CHILD ABUSE PREVENTION MONTH: On behalf of Mayor Bloem, Councilman Bruning read the Mayor’s proclamation declaring the month of April as National Child Abuse Prevention Month in the City of Coeur d’Alene. Beth Barclay, Director of the “I Care” Program at St. Vincent DePaul, accepted the proclamation and announced the activities being planned throughout the month of April.

PROCLAMATION – FAIR HOUSING WEEK: On behalf of Mayor Bloem, Councilman Kennedy read the Mayor’s proclamation declaring the week of April 11th through April 17th as Fair Housing Week in the City of Coeur d’Alene. Amy Dreps from the Disability Action Center accepted the proclamation and announced the activities planned for the week of April 11th.

PUBLIC COMMENTS:

SPEED LIMIT/INTERSECTION/SOCCER CONCERNS: Alton Walker, 1955 E. Dalton Ave. expressed his concern over the intersection of 16th and Dalton and would like the speed limit to be reduced to 15 mph at this intersection. He also asked if the high school students could practice their soccer at the Fairgrounds instead of at the Canfield Middle School Soccer complex. Rose Palmer, 1955 E. Dalton, daughter of Alton Walker, also expressed her concern of the kids playing soccer at Canfield Middle School.

SOLID WASTE CONTRACT: Steve Roberge, 6488 N. 4th Street, Dalton Gardens, provided data that the City’s garbage service is currently 7.5% less than the City of Post Falls. He also noted that the residents of Coeur d’Alene have a 3-size garbage bin option, and if the single-stream

recycling is added the City will see a 50% decrease in garbage being picked up. He urged the City to continue the contract with Waste Management and institute the single-stream recycling program.

PARKSIDE BISTRO LEASE: Kevin Eskelin, 718 N. 4th Street, requested that he be able to continue his lease through this summer. Rich Cook, attorney for Kevin Eskelin, 107 E. Foster, stated that a couple of months ago, Mr. Eskelin was informed that his lease would not be renewed. He stated that he has been talking with Mr. Gridley about keeping the business open through the summer of 2010. Kevin Kuk, legal advisor for Mr. Eskelin commented that he has only known of the City's intent to not continue the lease for about two weeks. His sources at the Federal level told him that Mr. Eskelin can have a non-compliance extension on his lease for an additional six months and he questioned whether the subject property is within the boundaries of the City Park.

AGENDA AMENDMENT: Motion by Edinger, seconded by Kennedy to add the item of Parskide Bistro to the agenda, and noted the reason for amending the agenda was that the item was not on the agenda but was brought up by a resident during public comments. Motion carried.

Mr. Wilson noted that the City has owned the Park property since 1904 with Burlington Northern Railroad having the right to operate on this property until they abandoned the railroad, which they did in 2006. Since Mr. Eskelin had a 10-year lease with the railroad and the City has honored that lease until it would expire which is April, 2010. In 2007, the Federal Land and Conservation Act administered by the state's Land and Water Conservation Fund Board (LWCF) did an audit of the City Park and notified the City that the lease of the Bistro property was in violation of their funding guidelines. Mr. Wilson explained that in order to continue the lease for another 6 months, Mr. Eskelin would have to comply with the LWCF regulations which include Mr. Eskelin bringing the building up to ADA code compliance, the lease would have to be at market value, the operation would have to be a concession for the benefit of the park, in addition to other requirements and if Mr. Eskelin was approved by the State to continue the lease for another six months. However, the State has already informed Mr. Wilson that Mr. Eskelin has already used his 6-month extension beginning in 2006 when the railroad abandoned the property. An additional issue is that once the current lease with the railroad expires, Mr. Eskelin has no right to the property and the property would fall under City code which does not allow alcoholic beverages on city property. Mr. Wilson noted that since 2008, the City has been informing Mr. Eskelin that the lease will expire in April, 2010. Finally, Mr. Wilson advised that even if the LWCF hurdles could be overcome at great expense to Mr. Eskelin, we still have the issue of meeting the 1904 grant conditions which are unlikely.

Councilman Edinger asked about Mr. Kuk's discussions with Mr. Gridley. Mr. Wilson noted that initially there were some discussions; however, the State has confirmed that they would not allow Mr. Eskelin to continue after April 14th. Councilman Kennedy asked if there was an appeal process. Mr. Wilson said that it would probably be through the State. Councilman Kennedy asked Doug Eastwood what the impact of the Land and Water Conservation Fund is on the City Park. Mr. Eastwood explained how the Fund was developed. He noted that that if we allowed the Bistro, the City would have to go through a conversion which is a long and time consuming

process and during which time the City would not receive any further Land and Water Conservation Funds as well as having to complete an appraisal of City parkland to determine not just the loss of park value on the waterfront, but also the value of the recreational opportunity lost. The City would be required to pay the total amount in order to retain the Park we already have. He voiced his concern of jeopardizing future City LWCF funding since Mr. Eskelin has known of his lease expiring and had been notified that the City would not be renewing that lease more than two years ago. He also voiced concern regarding potential loss of the park through the conversion process.

Mr. Kuk asked the Council to table the issue. Councilman Edinger noted that he would not want to jeopardize the City's standing with the Land and Water Conservation Funds. Councilman Hassell noted that it would be the State agency that would allow the 6-month extension not the Federal Government and the State has already stated that they would not allow another non-conforming use extension since they have already granted one two years ago for Mr. Eskelin to operate. Mr. Wilson responded that the State confirmed the building does fall under the Land and Water Conservation funds, and they would not extend the lease for another 6 months. On a final note, he believes that the City has no choice but to not renew the lease. Councilman Kennedy would like the City to buy a little more time so Mr. Eskelin can continue through October. Councilman Goodlander agreed with Councilman Kennedy to let Mr. Eskelin continue; however, if there is no way to allow that without jeopardizing the City's LWCF she would not want to jeopardize those funds. Councilman Kennedy suggested that if the lease runs out on April 14th and then we find out that there is a way we could let Mr. Eskelin to operate from May through October, he is open to that idea. Councilman Edinger believes that on April 14th the lease will end. If Mr. Eskelin wants to stay, he must do the legwork to ensure it would be legal and the park is not in jeopardy of conversion.

Rod Bashaw, 921 E. Elm, believes that it is the City that needs to determine if the Parkside Bistro is in the City Park and not Mr. Eskelin's responsibility. Doug Eastwood responded that the National Parks Service and the State confirmed that the park's boundary line is 20' past the building towards Sherman and so it is definitely inside the City Park.

Jeffrey Coulter, 2692 E. Nettleton Gulch Rd., believes that the City needs to find the property lines of the City Park and noted that he has enjoyed the Parkside Bistro for several years. Councilman Hassell noted that all the maps he has ever seen show that the building is within the City Park property.

The Council was advised by acting City Attorney Warren Wilson that in taking no action, the status quo remains and Mr. Eskelin must vacate the premises on April 14, 2010. No action was taken by the Council.

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

1. Approval of minutes for March 11, 16, 2010.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, April 12th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 10-010: 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 A LETTER OF AGREEMENT FOR RENEWAL OF CITYLINK PUBLIC TRANSPORTATION; APPROVING A MUTUAL AID ASSISTANCE AGREEMENT WITH THE POST FALLS POLICE DEPARTMENT; AWARD OF BID AND CONTRACT TO PLANNED AND ENGINEERED CONSTRUCTION FOR THE WASTEWATER CURED IN PLACE PIPE (CIPP) SEWER LINE REPLACEMENT PROJECT; AWARD OF BID AND CONTRACT TO BUDDY'S BACKHOE FOR THE WASTEWATER OPEN TRENCH SEWER LINE REPLACEMENT PROJECT AND APPROVAL OF SS-5-09 MAINTENANCE / WARRANTY AGREEMENTS FOR HONI ADDITION.

4. Denial of use of 1st Street Dock for Water Taxi Service.
5. Approval of Parking Study Update for Downtown Parking.
6. Approval of dedication of public right-of-way located at the Wastewater Compost Facility for Howard Street Extension.
7. Approval of easement for Kootenai Electric for pole relocation and guy wire extension for Howard Street Extension.
8. Declaration of sole-source procurement of Traffic Signal Equipment.
9. Authorizing a mobile food cart on city streets for Michael Neff dba Gonzo Ice Cream.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN EDINGER: Councilman Edinger announced that the Coeur d'Alene Police Department, the city's Enough is Enough Committee, and the Idaho Drug Free Youth are sponsoring a "Prescription Drug Turn-In" event as part of the Coeur d'Alene School District's Safety Fair, on April 10th, at the Coeur d'Alene High School Commons. The Prescription Drug Turn-In will be open from 10:00 a.m. until 2:00 pm. For more information, please call 769-2320.

Mr. Edinger also noted that Mr. Bell has brought forward a proposal for banning cell phone use and the General Services Committee has decided to defer the issue until State legislature addressed the issue. Since the State did not address this issue prior to closing he asked that the item be placed back on the next General Services Committee agenda.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel gave a special thank you to the more than 75 citizens who attended the McEuen Field Public Input Gathering meeting on March 25th at the Lake City Senior Center. The purpose of the meeting was to gather public input why people go to the park, ideas and suggestions for McEuen Field/3rd Street Marina/Front Street, and suggested activities for McEuen Field/3rd Street Marina. For more information regarding the informational meeting, please visit parks.cdavid.org. She announced that Julie Whitesel Weston, author of "The Good Times Are All Gone Now," will bring her stories to the Coeur d'Alene Public Library tomorrow, April 7th, at 7:00 p.m. in the Community Room. This free program is offered as part of the "Your Place in History" series sponsored by area public libraries, the Molstead Library at NIC, and the Museum of North Idaho. The Coeur d'Alene

Police Department, the city's Enough is Enough Committee, and the Idaho Drug Free Youth are sponsoring "Prescription Drug Turn-In" event as part of the Coeur d'Alene School District's Safety Fair, on April 10th, at the Coeur d'Alene High School Commons. The Prescription Drug Turn-In will be open from 10:00 a.m. until 2:00 pm. For more information, please call 769-2320. The City is currently accepting applications for an Attorney – application deadline is April 16th. We are also accepting applications for the following Temporary Seasonal positions: Parks Grounds Maintenance Worker, Street Maintenance Worker, and Water Laborer. For applications and job information, please visit our website at www.cdaid.org or call the Human Resources Department at 769-2205. Also, she gave a reminder to fill out your Census survey. The short, 10-question form will help determine how more than \$400 billion per year in federal funding is distributed to tribal, state and local governments. Census data helps shape the future of our community. The data helps determine which schools receive funding for improvements, where new hospitals and roads will be built, and how we are represented at all levels of government. The future of our community depends on your participation. To learn more visit their web site at 2010census.gov. The Library will be celebrating National Library Week beginning Sunday, April 11th through Saturday, April 17th. Sunday April 11th, from 1 – 2 p.m., the library's new "Virtual Book Club"; Saturday, April 17th, 10:30 a.m., "Kite Workshop and Festival." All materials will be provided free of charge and taught by kite enthusiast Gary Fleshman-Kubodera. Saturday evening a program exclusively for teens in grades 7 through 12 scheduled for 5-8 p.m. Teens planning to attend should pre-register by visiting the library's website at www.cdalibrary.org and clicking on the "Exclusively for Teens" link. Mrs. Gabriel reminded everyone that there will be no TV coverage of the General Services and Public Works Committees on April 12th. CDA TV operator Jeff Crowe will be attending a National Broadcasters Association conference the week of April 12th. The agendas for these meetings will be available online at www.cdaid.org on April 9th. The Police Department now offers the services of CrimeReports.com. CrimeReports.com provides law enforcement agencies with an easy-to-use, Web-based service for managing and controlling the sharing of crime data with the public in approximately "real-time." In addition to the ability to query the mapping system for crime maps and Registered Sex Offenders, CrimeReports.com has a feature to allow e-mail notification for an assortment of circumstances. Visit the website at www.cdapolice.org and click on Crime Reports & Maps. Mrs. Gabriel thanked the current 2010 Adopt-A-Street Volunteers, as well as past volunteers who have participated in this program. The Adopt-A-Street program was authorized by the City Council in August 2000, and is intended primarily for the City's more rural streets. The program is a partnership between the volunteers and the City provides signage, vests, and orange litter bags, and also collects the bags the next working day after they have been filled. For more information call Diana Booth at the Streets Department at 769-2235. Coeur d'Alene childcare providers are invited to attend a free, two-hour workshop called "Learn to Burn." The city's Childcare Commission, in conjunction with the Coeur d'Alene Fire Department, will host the two-hour workshop at City Hall's former Council Chambers (710 E. Mullan) from 6:30 a.m. to 8:30 a.m. on Monday, April 26th. The training will offer hands-on use of a fire extinguisher, as well as instruction on preparing evacuation and safety plans. Pre-registration is required as a maximum of 75 people will be able to register for this free course. To register, please call Kathy at 769-2229 before April 20th.

NON-NATIVE TREE – TUBBS HILL TREE REMOVAL PLAN: Councilman Kennedy noted that the plan is to remove non-native trees from Tubbs Hill. Karen Haskew, Urban Forester,

further explained that the purpose of this plan is to help maintain the health of Tubbs Hill. Currently the Hill has more Douglas fir than normal and now we are faced with root rot which is a fungal disease affecting these trees. Additionally, Norway Maple and Cherry trees, which are non-native trees have begun to overtake the east side of Tubbs Hill which prevents the native trees from flourishing. She explained that step one is to cut down the larger non-native trees and apply herbicide to the smaller trees as part of the fuel reduction project. She noted that this project is a part of the Tubbs Hill Management Plan and that this tree reduction plan has been presented to the Tubbs Hill Foundation, the Parks Foundation, the Parks and Recreation Commission and the General Services Committee. Councilman Edinger asked how this project is being funded. Mrs. Haskew responded that some of the funding is coming from the fuel reduction grants, and additionally some funds are coming from the dock fees as well as the Tubbs Hill Foundation which is providing a portion of the funding and volunteer work. Motion by Kennedy, seconded by Edinger to approve the Tree Removal Plan for Tubbs Hill. Motion carried.

ORDINANCE NO. 3378
COUNCIL BILL NO. 10-1003

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING 9.52.020 TO ALLOW HONOR GUARDS TO DISCHARGE BLANKS AT THE FALLEN HEROES PLAZA IN CERTAIN CIRCUMSTANCES; 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 Bruning to pass the first reading of Council Bill No. 10-1003.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 10-1003 by its having had one reading by title only.

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

CONTRACT EXTENSION WITH SINGLE STREAM RECYCLING FOR GARBAGE COLLECTION: Troy Tymesen, Finance Director, reported that the City has partnered with Kootenai County Solid Waste for several years and the City is proposing that the City approve the two three-year contract extensions with Waste Management of Idaho which would provide for the option of creating a single-stream recycling program. Waste Management presented an offer to provide the single-stream recycling program with no additional cost to the residents if the two three-year extensions were accepted by the City. Steve Wulf the Principal Planner for Kootenai County Solid Waste presented an overview of the proposed single-stream recycling program. He stressed that the recyclable mixed material must be clean when being deposited into the recycling

bin, such as the residents would need to empty a pop can so the fluid would not pour onto the paper products.

Motion by Kennedy, seconded by Bruning to approve the recommendation from Kootenai County to exercise both of the three-year options in the Coeur d'Alene Collection and Recycling contract with Waste Management, to include in the contract a condition for single-stream recycling, and to extend the existing Joint Powers Agreement with Kootenai County for three years to match the term of the collection and recycling contract. Motion carried with Goodlander abstaining.

RECESS: Motion by Kennedy, seconded by Edinger to take a five minute break. Motion carried. The Council recessed at 8:25 p.m. The Council returned at 8: 33 p.m.

PUBLIC HEARING – O-1-01 – COMMERCIAL DESIGN GUIDELINES: Mayor Bloem read the rules of order for this legislative public hearing. Dave Yadon, City Planning Director, gave the staff report.

Mr. Yadon noted that in 2008 the City Council voted to have the Planning Commission address commercial design standards citywide for commercial zones. The Commission met several times with urban consultant Mark Hinshaw, staff and members of the public to develop the proposed guidelines.

Mr. Yadon noted that there are two significant points of the Planning Commission's recommendation:

1. **Design Guidelines Recommended:** These guidelines are in many cases the same as what have been adopted or recommended for other areas of the city. In the case of Site Design guidelines, all areas except for the Lighting and Grand Scale Trees are updates of existing commercial landscaping or parking regulations. The Lighting and Grand Scale Tree guidelines have previously been adopted in the Infill District. The Building Design guidelines are new to the C-17 and C-17L districts but exist in one degree or another in the infill and downtown districts.
2. **Flexibility Available.** As a "guideline", a project is expected to meet the guidelines unless the applicant can meet the criteria for a "departure". The ability to have some flexibility in meeting design guidelines was previously endorsed and adopted for the Downtown and Infill Districts. The staff or the Design Review Commission, depending on the number or departures requested, would determine if the departure criteria are met. Deviations from the Approach, Street Tree, and Grand Scale guidelines are not considered items that would trigger Design Review Commission review.

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

ORDINANCE NO. 3379
COUNCIL BILL NO. 10-1004

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 12.28.210 AND

12.28.230 TO CLARIFY SIDEWALK WIDTH REQUIREMENTS, AMENDING SECTION 17.01.020 TO CLARIFY THE APPLICABILITY OF THE ZONING ORDINANCE TO PUBLIC RIGHTS OF WAY, ADOPTING NEW SECTIONS 17.05.565 AND 17.05.645 TO AUTHORIZE THE CITY COUNCIL TO ADOPT DESIGN GUIDELINES FOR THE C-17 AND C-17L ZONING DISTRICTS BY RESOLUTION AND ALLOWING FOR DESIGN DEPARTURES; AMENDING SECTION 17.05.705 FOR CONSISTENCY WITH THE NEW DESIGN DEVIATIONS; AMENDING SECTION 17.09.315 TO ESTABLISH DESIGN COMMISSION AND PLANNING DIRECTOR REVIEW OF PROJECTS IN THE C-17 AND C-17L ZONING DISTRICTS; AMENDING SECTIONS 17.06.820, 17.44.330 AND 17.44.450 TO EXEMPT THE DC, C-17 AND C-17L ZONING DISTRICTS FROM THE GENERAL LANDSCAPING 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 Edinger, seconded by Kennedy to pass the first reading of Council Bill No. 10-1004.

DISCUSSION: Councilman McEvers has difficulty imposing more regulations on businesses especially the low-rent districts and believes that pretty soon everything will look the same. Councilman Goodlander concurs with Councilman McEvers. Councilman Edinger does not believe that these regulations will cause a lot of changes. Councilman Bruning commented that there is a lot of “ugly” in the City which the City cannot currently deal with but believes that these regulations will help fix this issue.

ROLL CALL: Bruning, Aye; Edinger, Aye; Hassell, Aye; Goodlander, No; Kennedy, Aye; McEvers, No. Motion carried.

Motion by Hassell, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 10-1004 by its having had one reading by title only.

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

RESOLUTION NO. 10-012

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO AND ADOPTING COMMERCIAL DESIGN GUIDELINES.

Motion by Edinger, seconded by Hassell to adopt Resolution 10-012.

ROLL CALL: Hassell, Aye; Kennedy, Aye; Edinger, Aye; Goodlander, No; Bruning, Aye; McEvers, No. Motion carried.

SETTING OF PUBLIC HEARING: Motion by Edinger, seconded by Hassell to set a public hearing for establishing the Design Review Fees for C-17 and C-17L zoning districts for April 20, 2010. Motion carried with Goodlander and McEvers voting no.

PUBLIC HEARING – FLOOD HAZARD MITIGATION REGULATIONS: Mayor Bloem reiterated the rules of order for this public hearing. Gordon Dobler, City Engineer, gave the staff report.

Mr. Dobler reported that last year FEMA updated the city's Flood Insurance Study. There were no changes to the flood plain limits or base flood elevations for the areas within the City limits. However, as part of the update, the city is required to update the flood plain ordinance. He noted that there are no material changes to the existing ordinance. The major difference is that FEMA required the new ordinance to include much of the verbiage that has always been in the Federal regulations. Staff has moved the regulations from Section 17, which was under the Planning Commission purview, to Section 15 in the City's code book. The reason is because of all the requirements of the ordinance are established by FEMA and are not subject to review or approval by the Planning Commission. The only other significant change was the addition of a variance procedure, which as required by FEMA. Mr. Dobler concluded by stating that FEMA has reviewed and approved the proposed ordinance.

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

ORDINANCE NO. 3380
COUNCIL BILL NO. 10-1005

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING SECTIONS 17.08.105, 17.08.110, 17.08.115, 17.08.120, 17.08.125, 17.08.130, 17.08.135, 17.08.140, 17.08.145 AND 17.08.150; AMENDING SECTIONS 17.02.045, 17.02.055, 17.02.085, 17.01,015 AND 17.07.275 TO REMOVE THE FLOODPLAIN PROTECTION REQUIREMENTS FROM THE ZONING CODE; ADOPTING A NEW CHAPTER 15.32 TO ADOPT NEW FLOOD DAMAGE PREVENTION REQUIREMENTS INCLUDING PROVIDING DEFINITIONS, ESTABLISHING PERMITTING, CONSTRUCTION AND INSPECTION REQUIREMENTS, AUTHORIZING VARIANCES AND APPEALS AND ESTABLISHING THAT VIOLATIONS ARE MISDEMEANORS PUNISHABLE BY IMPRISONMENT OF UP TO 180 DAYS OR A FINE OF \$1,000.00 OR BOTH; 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 Goodlander, seconded by Kennedy to pass the first reading of Council Bill No. 10-1005

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 10-1005 by its having had one reading by title only.

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

EXECUTIVE SESSION: Motion by Hassell, seconded by McEvers 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: Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Bruning, Aye. Motion carried.

The session convened at 9:15 p.m. Members present were the Mayor, City Council, City Administrator, City Attorney, and Deputy City Administrator..

Matters discussed were those of labor negotiations, claims and litigation. No action was taken and the Council returned to their regular meeting session at 10:15 p.m.

RESOLUTION NO. 10-011

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A MEMORANDUM OF UNDERSTANDING, WITH THE POLICE DEPARTMENT LIEUTENANTS.

Motion by Bruning, seconded by Hassell to adopt Resolution 10-011.

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

VEDDER CLAIM: Motion by Hassell, seconded by Edinger to authorize staff to settle the Vedder claim. Motion carried.

ADJOURNMENT: Motion by Goodlander, seconded by Bruning that, there being no further business before the Council, the meeting is adjourned. Motion carried.

The meeting adjourned at 10:16 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk