

**A JOINT MEETING OF THE  
COEUR D'ALENE CITY COUNCIL  
AND THE KOOTENAI COUNTY COMMISSIONERS  
MAY 4, 2015**

The Coeur d'Alene met in a continued session with the Kootenai County Commissioners at the Kootenai County Commissioners office located at 451 Government Way, Coeur d'Alene, ID 83814 May 4, 2014 at 4:00 p.m., there being present upon roll call a quorum.

Steve Widmyer, Mayor

Woody McEvers	)	Members of City Council Present
Steve Adams	)	
Ron Edinger	)	
Kiki Miller	)	
Dan Gookin	)	
Amy Evans	)	Member of Council Absent

David Stewart, Chairman	)	Members of the Kootenai County Commissioners Present
Dan Green	)	
Marc Eberlein	)	

**CITY STAFF PRESENT:** Jim Hammond, City Administrator; Renata McLeod, City Clerk; Steve Anthony, Recreation Director; Mike Gridley, City Attorney, Steve Anthony, Parks and Recreation Director, Jim Markley, Water Superintendent; Troy Tymesen, Finance Director; Hilary Anderson, Community Planning Director; and Keith Erickson, Communication Coordinator.

**CALL TO ORDER:** Mayor Widmyer called the meeting to order. Commissioner Green opened the meeting on behalf of the Kootenai County Board of Commissioners.

**SAUSA PROGRAM (SPECIAL ASSISTANT TO U.S. ATTORNEY)** – Commissioner Green stated that the SAUSA program has been in use in Treasure Valley for some time. He explained that this program is in conjunction with the U.S. Attorney's Office and the State of Idaho, specifically for the ability to prosecute felony crimes under Federal Court rather than state court. This allows for stiffer penalties and longer sentencing for extreme crimes. The program cross-deputizes a County Prosecutor as U.S. Attorney, who can then use the federal system. In Canyon County they used the program to pursue gang issues. Additionally, this allows for criminals to be sentenced to federal penitentiaries outside of the State of Idaho, thus alleviating housing costs to the State of Idaho. In past discussions they talked about a regional prosecutor for North Idaho; however, this region would consist of the 10 northern counties that have various legal issues. Commissioner Green stated that Prosecutor McHugh felt there would be a need in Kootenai County for crimes related to drug trafficking and child pornography. He stated that the State of Idaho has set aside \$35,000 for this position, which would cover a portion of the employee costs. The total employee cost for a County Prosecutor would be \$85,000; with the infrastructure and housing of the employee paid through the federal government. The proposals to the area cities would be to fund a portion of the position on a per capita basis. In this proposal the City of Coeur d'Alene portion would be \$16,072 annually. Commissioner Green stated that he believes this program would be another tool in the prosecutor's arsenal for extreme crimes. He further explained that the benefit to the City of Coeur d'Alene would be cost avoidance to the citizens and the state for the prosecution and housing of criminals within the County jail and State prisons. Commissioner Eberlein explained that he is not in support of

this program as he believes in the separation of powers and that this might have the potential for abuse of power. He stated that several North Idaho Commissioners are not in support and is concerned about the actual costs. Commissioner Eberlein explained that he does not believe that Federal prosecution deters transient drug traffic and that he is concerned with the legal marijuana in Washington being brought into Idaho in small amounts and citizens being federal prosecuted.

Councilmember Adams questioned if the County could fully fund the program without involving the cities. Commissioner Green confirmed that the County could approve the program; however, it is a funding issue and involving the cities is a funding mechanism. There would be no requirement for a City to participate. Councilman Adams stated that there is public interest in this issue and asked if the County would be willing to have public forums to discuss it further. Chairman Stewart confirmed they would be open to public input and said he is concerned about government overreach. Councilmember Edinger asked for clarification regarding the costs and the division annually. Commissioner Green reiterated that the employee cost would be \$85,000 and the state would cover \$35,000, with the remaining \$50,000 left to be divided by the cities on a per capita basis. Currently he would be looking at the cities of Coeur d'Alene and Post Falls, and potentially Hayden and Rathdrum. Chairman Stewart expressed concern as to whether or not there was a large enough need for a program with stiffer punishments. Commissioner Green stated that the Sheriff and the prosecutors had brought this forward with statistics to back it up. Commissioner Green explained that there is currently a state-funded investigator that just handles child pornography. Councilmember McEvers reiterated that this program would push criminals to federal court and it would save costs locally and state-wide through the use of federal court and federal penitentiaries. Chairman Stewart expressed concern that someone would be looking for folks to take to federal prosecution that should be handled at a state level. Commissioner Green clarified that if there wasn't a demand for this level of prosecution he wouldn't support it and that the sentencing guidelines in federal court are much more defined with longer sentences.

#### **FOUR CORNERS UPDATE AND SHARED PARKING SOLUTIONS – Parks and Recreation**

Director Steve Anthony explained that the City has the opportunity to acquire 28 acres from the Bureau of Land Management. He explained the four corners as the area consisting of the City Park, Memorial Field, and then through the BLM property (along the railroad tracks) to the West. Mr. Anthony explained that the land planning consultants looked at the county campus as well, and that he wanted to clarify that the City is not planning that property but the consultant wanted to include it in the study. He reviewed several aspects of the study including the potential of a connector from the County campus to the Mullan side of the street to the Park and Fort Grounds area, a planned location for the carousel in a seasonal space within the park, as well as room for the HREI building. Additionally, the plan recommends the narrowing of Mullan Avenue to less than the current five lanes to make it more pedestrian friendly. He expressed an opportunity for RV/trailer parking across from the county campus. There are some planned additions for ADA accessibility at Independence Point and the City Beach area. He reiterated that there are three options set out for Independence Point. Mayor Widmyer explained that the master plan study was done as a requirement for the BLM land acquisition. While the Independence Point area is out of the BLM property area, the BLM wanted to see plans for adjacent areas.

#### **RIPARIAN BUFFER ZONE FOR NEW DEVELOPMENT – Wastewater Superintendent Sid**

Fredrickson explained that the city began limiting nutrients in 1991, when limits were much more manageable. Mr. Fredrickson explained that the new requirements are the most stringent in the country. He stated that the removal of riparian buffers could affect the nutrient loads. The City is currently able to manage wastewater at 30 parts per billion and could not go much lower. Councilmember Gookin asked for clarification regarding how riparian buffers and how close you build affect the nutrient levels. Mr. Fredrickson explained that there needs to be a balance of fairness based on the soils and what is going to be developed and that fertilizer used close to the water is not a good thing. Commissioner Green stated that their goal is to enhance water quality. Mr. Fredrickson explained that increased phosphorous levels

cannot be explained by one specific thing. Chairman Stewart questioned how grass to the water's edge is not good for the lake, but there are swales throughout the county that drain into the aquifer which are being fertilized and maintained, and he wondered why they are less impacting than draining into the lake. Mr. Fredrickson explained that a properly constructed swale would retain the first half-inch of stormwater collected under the concept that the grass will hold those nutrients. Nitrates are the biggest concern for the aquifer. Commissioner Stewart stated that his family owned and developed Arrow Point and that the only reason the lagoon is swimmable is that they worked with the government to place a filtration system to purify the lagoon, which would not be allowed under current regulations. He expressed concern regarding lakefront property owners that want to stop the erosion to their property but can't under current regulations. Chairman Stewart stated that he thinks a common sense and best management practices should be the method of regulation. Mr. Fredrickson explained that the Clean Water Act does not allow regulations of agricultural runoff but that occurs annually at Latah Creek and there are different designs that will help limit nutrient run off. He expressed a desire for the county to look at best practices and options that best fit the situation and to be concerned with nutrients into the lake. Chairman Stewart explained that the 25' buffer zone has been in effect for over 20 years and it is not working. Mr. Fredrickson reiterated that different soils are going to retain nutrients differently compared to other soils and hoped they keep that in mind.

**UPDATE ON SHORELINE REGULATIONS & NEW PROPOSALS** – Commissioner Eberlein explained that his contacts at the Basin Commission state that 4% of the contaminates come from around the lake and the rest comes in from other rivers and water flow into the lake. Floods bring in another source of contamination. He expressed concern that the county's 25' setback is not working and that it is a one-size-fits-all solution that does not work with all the different types of bodies of water. Additionally, he noted that phosphorous is a naturally occurring substance. With the current regulations a land owner cannot install riprap or anything to protect the shoreline. He has been talking with Kootenai Environmental Alliance and they agree that different solutions might work for different properties. He would like to see allowances for patios and walkways rather than random weed patches.

Councilmember McEvers asked how the County was enforcing the set back rule. Commissioner Eberlein stated they are having problems with enforcement; however D.E.Q, the Army Corp, and the property owners would be involved. He expressed interest in protecting local lakes. Commissioner Green reiterated that enforcement is difficult and felt there will always be a setback to the water, but they could look at what is allowed within that zone. Chairman Stewart stated that one can witness the water front properties from the lake and see that the 25' buffer zones are not being maintained. He questioned why the County has to be more regulatory than the Federal government.

**CITYLINK** – Mayor Widmyer asked about the county study for charging a fare for Citilink. Commissioner Eberlein stated that he thinks staff is looking at grants. Commissioner Green stated that the Commissioners have not weighed in on the issue yet. Mayor Widmyer encouraged the Commissioners to look at charging a fare and having a pass system as he believes it would help with some of the current issues. Chairman Stewart clarified that the City would encourage charging a fare. Mayor Widmyer confirmed that there are some folks that just ride around all day and he would not encourage a cash system but, rather, a pass system that would require identification as encouraged by our Police Chief. Additionally, Mayor Widmyer asked that the County look at the bus stop locations that are concerning to the City; specifically, those in front of the liquor store that are a significant problem to the area businesses. Commissioner Green stated that there was a public hearing and there was a lot of discussion regarding the route reduction.

**COMMISSIONER MEETINGS ON CDA TV** – Councilmember McEvers invited the Commissioners to utilize the CDATV public education and government channel. He explained that several local governments and education groups use CDATV to get their meetings aired to the county-wide community

through Time Warner Cable. There is an opportunity for Thursday morning public service announcements, which would be rebroadcast throughout the next week. He encouraged the Commissioner's to air meetings and use the channel as a tool for open communication to the community. Commissioner Green stated that they have discussed it during the budget cycle and are considering a Public Relations Officer to help to communicate to the community and that would enhance their outreach.

The Mayor stated that it is good to work together and create some efficiency for our tax-payers and that he looks forward to continued communication.

**ADJOURNMENT:** Motion by Gookin, seconded by Edinger, that there being no other business this meeting be adjourned. **Motion carried.**

The meeting adjourned at 5:23 p.m.

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Steve Widmyer, Mayor

ATTEST:

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Renata McLeod,  
City Clerk