

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
JUNE 6, 2006**

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 June 6, 2006 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)	
Dixie Reid)	
Ron Edinger)	
Deanna Goodlander)	

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

INVOCATION was led by Pastor Phil Muthersbaugh, LifeSource Community Church.

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

PROCLAMATION – RACE UNITY DAY: On behalf of Mayor Bloem, Councilman Reid read the proclamation whereby the Mayor has proclaimed June 10, 2006 as Race Unity Day in the City of Coeur d'Alene. George Mark accepted the proclamation.

PRESENTATION – ARTS COMMISSION: Janet Launhardt, Arts Commission member, presented the 1st Presbyterian Church with a plaque in appreciation for all their generosity and for providing their facility free of charge for the City's Summer Arts Program for the previous eight years.

PRESENTATION – IHSSA 3-A STATE TOURNAMENT: Recreation Director Steve Anthony presented the Council with a plaque from St. Maries High School in appreciation for the City hosting this year's IHSSA 3-A State Tournament.

PUBLIC COMMENTS:

A.G. EDWARDS – MUNICIPAL BONDS: Ben Miller, Geoff Urbina and John Urbina, announced that they are underwriters in Municipal Bonds and asked the Council to consider their company for the upcoming Library bond. Councilman Goodlander asked how the costs differ from them and bank bonds. Geoff Urbina responded that it mainly is a tax code issue as well as having a cap on the amount of bonds they can issue a year. Mike Kennedy asked how they save the city money in retail vs. bank. Geoff Urbina explained that they can directly contact clients in Idaho and then by creating a demand

for the bonds it creates a lower yield which saves the City Monday. Councilman McEvers asked they could save us more money than our current bonding company. Geoff noted that Northwest Securities only does institutional sales and does not have retail but A.G. Edwards can cover both institutional and retail. He added that his company would be very competitive with the City's bond. Geoff also offered to meet with staff at a later time.

APPRECIATION EXPRESSED: Paul Oldscamp, Arts Commission member, added that the 1st Presbyterian Church also offers magnificent vocal performances. He also commended the Cd'A Press for thanking the Parker Family for their donation to the Library. Finally, he thanked Councilman McEvers on his tan.

DOWNTOWN DEVELOPMENT REGULATIONS AND TRAFFIC FLOW: Dennis Heinrickson, 946 E. Spruce Avenue, commented on the downtown development regulations that the Council will be hearing. He voiced his concern that he has not received any information regarding traffic flow in the City. He appealed that the City does a calibration for the traffic counts within the City. He also appealed that the Council hold on voting on the Downtown Development Regulations until some information is received on traffic patterns as well as on work force housing such as Blaine County's work force housing model is reviewed. He noted that the Downtown Development Regulations do not define work force housing or address how it will be incorporated into the development regulations.

MARINA YACHT CLUB ANNEXATION AGREEMENT: Julie Delsaso urged the Council to consider input from other agencies before annexing the Marina Yacht Club into the City.

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

1. Approval of minutes for May 9, 16, 18, 2006.
2. Setting the Public Works Committee and General Services Committee meeting for June 12, 2006 at 4:00 p.m.
3. RESOLUTION 06-036: 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 THE COEUR D' ALENE TV PRODUCTION SERVICES AGREEMENT WITH NIC'S JEFF CROWE; APPROVAL OF AN EXTENSION TO THE MASTER LEASE WITH THE UNIVERSITY OF IDAHO AT HARBOR CENTER; DECLARATION OF SURPLUS PROPERTY FOR ANNUAL AUCTION AND DECLARATION OF ZERO-VALUE SURPLUS PROPERTY AND DISPOSAL OF ZERO-VALUE COMPUTER HARDWARE.
4. RESOLUTION 06-037: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING THE POLICY FOR PUBLIC WORKS CONTRACTING.
5. Approval of CDATV Logo.

6. Setting of Public Hearing for V-06-1 – Vacation of utility easement for June 20, 2006.
7. Authorization to allow Stefanie Ellis and Lacy Blair to represent the City in certain legal matters.
8. Setting of Public Hearing – O-6-05 – Downtown Development Regulations for July 5, 2006.
9. Approval of cemetery lot repurchase from Timothy and Phyllis Gray.
10. Approval of various firework stand permits.
11. Endorsement of Council Response to the Planning Commission’s request regarding Eminent Domain.
12. SS-7-06 – Final Plat approval for Indiana Arms Condominiums Plan, Phase 2.

DISCUSSION: Councilman McEvers asked “when do you say no to fireworks” and can’t it be just on the 4th of July that they are shot off. Councilman Hassell noted that the only complaints are for the illegal fireworks that are being shot off.

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

COUNCIL ANNOUNCEMENTS:

TUBBS HILL CLEAN UP: Council President Edinger reported that the Tubbs Hill Foundation had their annual Starbucks cleanup of Tubbs Hill last Saturday and there were about 90 people who turned out and so it was very successful. Starbucks donated \$1,000 for the cleanup and provided coffee.

SCHOOL IS OUT: Council President Edinger reminded residents that within the next few days, school will be out for the summer and so be cautious when driving.

REQUEST FOR LEGAL DEPARTMENT RESPONSE: Council President Edinger noted that he had received some correspondence from Nora Cooper concerning some issues that she had and asked the Legal Department respond to her letter.

LEFT TURN LANES ON RAMSEY ROAD: Council President Edinger noted that there was an article in the local newspaper and he has had people contact him about making a left hand turn off of Ramsey Road into Ramsey Field to participate in activities was just wondering if maybe something could be done about creating a better left-turn area as he observed some close calls.

LIBRARY BOOK SALE: Councilman Goodlander announced that the Library folks are going to have a book sale on Friday at the Library.

SKATE PARK IMPROVEMENTS: Councilman McEvers reported that he has been working with local bike shops to rebuild the half pike at the skate park and encouraged folks to call Tom or Eric at the shops for more information. It is planned to have the improvements done Saturday June 17th and anyone who is interested in helping is asked to contact City Hall.

CEMETERY STAFF THANKED: Mayor Bloem congratulated Doug Eastwood and his staff for the tremendous work done in preparing the City cemeteries for the Memorial Day weekend. She also thanked Renata McLeod, the Library Board of Directors and staff for their work on doing a great job with the ground breaking celebration for the new library.

APPOINTMENT TO PLANNING COMMISSION: Motion by Kennedy, seconded by Goodlander to appoint Melinda George to the Planning Commission. Motion carried.

RESOLUTION NO. 06-038

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR EQUIPMENT RENTAL, WITH THE IDAHO DEPARTMENT OF LANDS ITS PRINCIPAL PLACE OF BUSINESS AT 3706 INDUSTRIAL AVENUE, Coeur d' Alene, Idaho 83815.

Motion by Goodlander, seconded by Edinger to adopt Resolution 06-038.

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

PURCHASE OF NEW FIRE ENGINE: Motion by Goodlander, seconded by Edinger to authorize the Fire Department to piggy back on the City of Boise's Fire Department's bid specifications for a new fire engine. Motion carried.

REQUEST FOR QUALIFICATIONS (RFQ) – LIBRARY ART: Motion by Goodlander, seconded by Edinger to approve the Library's Public Art RFQ.

DISCUSSION: Councilman McEvers noted that at the last Council meeting we were short \$300,000 to finish the construction of the facility and this week we have \$150,000 available for art at the Library and he doesn't believe that this is appropriate if we are scrimping for furniture and fixtures and yet we have \$150,000 for art. Councilman Reid noted that this is a dedicated fund and it can only be spent on artwork and it is not from the same budget that the \$300,000 shortfall was needed to be funded from. Councilman Goodlander believes that the Library is being very frugal in that the entry would need to have flooring and they are using the Art fund to create a piece of artwork as flooring in the new Library.

Motion carried with Councilman McEvers voting no.

REQUEST TO AMEND POLICY FOR PRIVATE UTILITIES: Motion by Reid, seconded by McEvers to deny the applicant's (JUB Engineers) request to amend the City's practice of restricting new developments to water and sewer utility service provided by the city or another public utility. Motion carried.

RESOLUTION NO. 06-039

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR MATERIALS TESTING AND INSPECTION SERVICES AGREEMENT FOR THE NEW LIBRARY SITE, WITH STRATA, INC. ITS PRINCIPAL PLACE OF BUSINESS AT 280 W. PRAIRIE AVENUE, COEUR D'ALENE, IDAHO.

Motion by Goodlander, seconded by Reid to adopt Resolution 06-039.

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

RESOLUTION NO. 06-040

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ANNEXATION AGREEMENT WITH THE MARINA YACHT CLUB, L.L.C. BY HAGADONE HOSPITALITY CO.

Motion by Reid, seconded by McEvers to adopt Resolution 06-040.

DISCUSSION: Councilman Hassell asked about the width of the pathway that will be reduced from a minimum standard of 10 feet to 8 feet. Councilman Goodlander responded that she believes that we should amend the agreement to be 10 feet for the trail.

MOTION TO AMEND: Motion by Goodlander, seconded by Edinger to amend the main motion by changing the contract (section 4.4) to require no less than 10 feet width of the pathway. ROLL CALL: McEvers, Aye; Hassell, Aye; Edinger, Aye; Reid, Aye; Kennedy, Aye; Goodlander, Aye. Motion carried.

DISCUSSION: Councilman Edinger referred to the letter the Council received from Julie Delsaso and asked if her concerns were a part of this annexation agreement. City Attorney Mike Gridley noted that other State agencies and Federal agencies are looking at the dredging requests and they are the governing authority over this issue.

Councilman Hassell also asked if the city's boat slip could be used by the County. Mike Gridley responded that he believes that it is allowed in this annexation agreement.

Councilman Edinger noted that the attorney for the applicant was shaking her head to Councilman Hassell's question about the boat slip. John Barlow, representing Hagadone Hospitality Co., noted that, with the amended motion, the Council has opened up this agreement for further negotiation. He noted that this agreement has been negotiated for the past year including, specifically, the issue of the pathway. He believes that these

changes are inappropriate at this time. And with these changes to the agreement the applicant is unwilling to sign the agreement unless negotiations are reopened.

Councilman Edinger responded that his question was about the issue of use of the boat slip and the City's ability to allow the County to use this boat slip. John Barlow responded that it is not correct to allow use by the County since the agreement specifically states by use of the City.

Councilman McEvers asked if Mr. Barlow believes that this agreement should be thrown out. John Barlow responded that the directive of Council was to negotiate an annexation agreement with staff and during those negotiations over the past nine months it was always an 8 foot pathway; however, as of yesterday the Bike/Ped. Committee is saying it should be 10 feet. Because of this, his company has not had the opportunity to negotiate this new condition. So, his company will not sign the amended agreement. Councilman McEvers again asked if he believes the Council should then deny this agreement.

Councilman Kennedy asked what the issue of refusing to do 10 feet is. Janet Robnett, attorney representing Hagadone Hospitality, responded that there were other compromises offered for the 8 foot width. She noted that with the amendment, the Council has essentially placed a counter offer on the table and so the decision is really in her client's court. As for the boat slip, it is her client's belief is it is only for City use and if they want to allow the County to use it, this also constitutes another counter offer.

Councilman Edinger believes that the issue of the boat slip is a dead issue but the trail should be addressed.

Councilman Goodlander would like to take the issue of the trail to the Bike/Ped Committee. She would like to table the motion on the agreement until after the Bike/Ped Committee has a chance to review the agreement.

MOTION TO TABLE: Motion by Goodlander, seconded by Reid to table this annexation matter until the next Council meeting. Motion carried.

DISCUSSION: Councilman Hassell commented that if the City were to contract with another agency to provide fire protection on the waterfront for the City, would this be allowed by the existing contract. Councilman Kennedy asked that by tabling the motion does this open up negotiations for other issues.

MOTION: Motion by Reid, seconded by Goodlander to not revisit the boat slip issue.

DISCUSSION: Mayor Bloem believes that the issue of the boat slip needs to be resolved in that it does not state that the City cannot use this slip by another agency and thus this issue needs to be clarified in this section of the agreement. So, the Council needs to clarify if they want the contract to allow the boat slip to be used by other agencies or not. Mike Gridley noted that the offer for the boat slip is being provided exchange for \$100,000 in annexation fees. Janet Robnett believes that the contract does make it clear

that it is only for use by the City. She also noted that the annexation fee was based on the City's formula and City staff brought up the issue of additional fees for a marina which was negotiated to an exchange for a boat slip in lieu of an additional \$100,000 annexation fee. Councilman Kennedy believes that when the Council tabled the agreement, the entire agreement opened up for renegotiations. Janet Robnett agreed with this statement.

Motion failed.

Councilman Kennedy proposed clarification of the boat issue and clarification for the bike path issue.

MOTION: Motion by Kennedy, seconded by McEvers to direct staff to negotiate the bike path width and to clarify the language that the boat slip is for a City-owned and/or City designated boat moorage use.

DISCUSSION: Councilman Hassell believes that we need to really look at the issue of allowing the city to contract with another agency to provide protection. Chief Gabriel noted that the City's Fire Department is trained on water fire suppression and is using the County's boat since the City does not own their own boat and the City's crew would be taking the County's boat out if they were responding to a City emergency.

ROLL CALL: McEvers, Aye; Hassell, Aye; Edinger, No; Reid, No; Kennedy, Aye; Goodlander, No. Motion carried with the Mayor's tie-breaking vote of Aye.

ADJOURNMENT: Motion by Reid, seconded by Edinger that, there being no further business, the meeting is adjourned. Motion carried.

The meeting recessed at 8:00 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk