

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

AUGUST 2, 2011

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 August 2, 2011 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

A. J. Al Hassell, III)	Members of Council Present
John Bruning)	
Mike Kennedy)	
Deanna Goodlander)	
Loren Ron Edinger)	
Woody McEvers)	

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

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

PRESENTATION – FIRE DEPARTMENT UPDATE: Fire Chief Gabriel as well as Firefighters Jeff Sells and Jeffrey Fletcher updated the Council on the value and activities of the Fire Department including paramedic services and the City's technical rescue operations including the canine program.

PUBLIC COMMENTS:

MC EUEN PARK AND PARKING: Jim Elder, 111 Hazelwood, Fernan, commented on the need for the parking structure at McEuen which includes: 250 additional parking spaces, the structure design creates a promenade, the parking design is for covered parking, and through this design by Team McEuen we have gained 5 acres of green space for McEuen Park.

Frank Orzell, 310 E. Garden Avenue, commented on the consultant contract for the McEuen Park Design stating that several of the required work components have not be met. Sharon Culbreth, 206 Hubbard, Coeur d'Alene, spoke in opposition to the McEuen parking garage. Rita Sims-Snyder, 818 Front Ave., presented an older McEuen Park Improvement Plan developed by Jim Elder and Rann Haight and spoke in opposition to the proposed plan. Susan Snedaker, 821 Hastings, spoke in opposition to a McEuen Park traffic study. Linda Wright, 1018 N. B St., commented on the proposed contracts for a topographic study and traffic study as part of the McEuen Park Improvement project.

TREE REMOVAL FROM THE DIKE (Rosenberry Drive): Tom Torgerson, 4808 Fernan Hill Road, addressed the FEMA order for tree removal on the dike. He believes that there are deficiencies that need to be addressed but urged the City to negotiate with FEMA and the Corps

of Engineers to follow sound science when it comes to the removal of the large pine trees.

Terry Harris, Kootenai Environmental Alliance, 404 Sherman, requested that the City be clear on their maintenance plan that will be submitted to FEMA. He believes that the criteria used by the Corps of Engineers is based on unsubstantiated science. He encouraged the City to work directly with FEMA and challenge the Corps of Engineer's directives. He also suggested that the City look for alternate controls of flooding outside of the dike.

Dan Gookin, 714 W. Empire Ave., as a resident in the Ft. Grounds, requested that the Council look at all options prior to removing the trees on Dike Road.

Roger Smith, 213 Forest Drive, commented that he believes that the Corps of Engineers is using a "one size fits all" approach to dike/levee criteria and the inspection process. He encouraged the City to challenge the directives made by the Corps of Engineers.

Sandy Emerson, 408 Sherman Avenue, complimented the Fire Department for the service they provided a family member. He believes that great cities have great parks and believes that the McEuen Park Improvement project will create jobs and improve the quality of life in the city. He also spoke in support of challenging the Corps of Engineers mandate to remove the trees on the dike.

David Bouchard, 530 W. Harrison, spoke about city contracts and their impact on the community.

KMC: Lynn Schwindel, 735 N. 4th Street, complimented the Fire Department on their role in making KMC one of the top 100 cardiac care facilities in the U.S.

RECESS: Motion by Goodlander, seconded by Kennedy to have a recess. The meeting recessed at 7:20 p.m. The meeting reconvened at 7:30 p.m.

ADVISORY VOTE CALLED: Councilman Edinger called for the Council to put the McEuen Plan to an advisory vote. Action died for a lack of second.

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

1. Approval of minutes for July 14, 19, 2011.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, August 8th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 11-025: 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 APPROVING AN ADDITIONAL SERVICES AGREEMENT WITH J.U.B. ENGINEERING FOR THE 2011 WASTEWATER COLLECTION SYSTEM PROJECTS; APPROVING CHANGE ORDER NO 1 WITH PLANNED AND ENGINEERED CONSTRUCTION, INC. FOR THE 2011 WASTEWATER COLLECTION SYSTEM CIPP PROJECT; APPROVING A MEMORANDUM OF UNDERSTANDING WITH

THE SPOKANE SHERIFF'S DEPARTMENT FOR AN AIR SUPPORT UNIT; AND APPROVING A BID AWARD AND CONTRACT WITH COEUR D'ALENE PAVING FOR THE 15TH STREET RECONSTRUCTION PROJECT.

4. Approval of purchase of side-utility vehicle (UTV) for the Police Department.
5. Approval of beer/wine license for FIRE Restaurant at 517 E. Sherman.
5. Approval of cemetery lot transfer from William and Agnes Hawkins to James and Gail Hawkins.
6. Approval of cemetery lot repurchase from the estate of Elsie James Burt requested by Candice Nelson.
7. SS-8-10 – Final plat approval for James Watt short plat.

Motion by Kennedy, seconded by Goodlander to approve the Consent Calendar as presented.

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

COUNCIL COMMENTS:

COUNCILMAN EDINGER : Councilman Edinger congratulated the 9-10 year-old boys little league for winning the state championship.

APPOINTMENTS – ARTS COMMISSION AND PARKING COMMISSION: Motion by Goodlander, seconded by Kennedy to appoint Barbara Mueller and Roberta Larsen to the Arts Commission and re-appoint John Williams and Ann Melbourn to the Parking Commission. Motion carried.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel announced that the City of Coeur d'Alene Arts Commission is seeking artists for its Wastewater Treatment Plant to create public art to bring forward and support the important functions of the facility and highlight the city's natural environment and relationship with its precious resources. Artist proposals are due by 5:00 p.m., August 31. Artists with questions are encouraged to contact Steve Anthony, Arts Commission Liaison, at stevea@cdaid.org. This weekend hosts the exciting annual Downtown Street Fair, Taste of the Coeur d'Alene's, and Art on the Green. For more information, please contact 769-2233. Here's a tip from the Ped/Bike Advisory Committee: Riding a bike to go to work and run errands is a great way to save on gas and get exercise at the same time! Volunteer opportunities currently available are on the: Arts Commission, Parking Commission, Planning Commission, Natural Open Space Committee, Noise Abatement Board, and Pedestrian & Bicycle Advisory Committee. For more information regarding volunteer opportunities in the City of Coeur d'Alene, please visit our website at www.cdaid.org and click on Volunteer Opportunities on the left menu, or contact Amy Ferguson, Executive Assistant, Municipal Services Department, (208) 666-5754. Specialized Needs Recreation has been awarded a \$4,800 Quality of Life grant from the Christopher and Dana Reeve Foundation. Specialized Needs Recreation will use the grant for camp fees and additional fuel costs. If you would like more information about Camp All-Stars, would like to register your child for camp, be placed on our monthly mailing list, or if you are interested in volunteering, please call Angie Goucher at 755-6781 or 769-2317. Regional historian Robert Singletary will conclude his

summer series of lectures with a program on Leonardo da Vinci and the Italian Renaissance tomorrow, August 3rd, at 7:00 p.m., at the Coeur d'Alene Public Library. This past Friday work was completed to re-install the signal at 5th & Sherman. This once timer-operated signal was upgraded with new vehicle sensor-activated controls and pedestrian activated controls. On July 20, there was a neighborhood meeting with the Board of Fresh Start and City Council members which resulted in a short term action plan and some ideas for a long-range action plan. Anyone who has a complaint about transients issues in this area are asked to call 758-0608 or email incidents to eastshermancda@gamil.com. Starting August 10th major road work for the turn lanes at Northwest Boulevard and Ironwood Drive will begin. Also work will begin on the I-90 bridge deck which will cause traffic detours. Kootenai County ULUC consultant will be presenting their recommendations via webinar tomorrow. Anyone interested in joining this webinar can RSVP the county at sclark@kcgov.us. The City of Coeur d'Alene continuously accepts applications and holds them on file for one year for the positions of Police Officer, Secretarial/Clerical, Janitorial, Library Clerk, and Attorney. For applications and job information, please visit our website at www.cdaid.org or call the Human Resources Department at 769-2205.

MCEUEN PARK IMPROVEMENT PROJECT: Councilman Hassell presented the two proposed contracts for the topographic survey and traffic study as part of the McEuen Park Improvement Project.

DISCUSSION: Councilman McEvers asked Parks Director Doug Eastwood to respond to the comments made by Frank Orzell. Doug Eastwood commented that Mr. Orzell's comments were not accurate regarding the contract items with Miller Stauffer including costs, and deadlines, and he noted that the number of required meetings in the contract called for 9 meetings and the consultant held 59 meetings without additional compensation except for the cost of printing. In response to Mr. Orzell stating that the consultant was to have completed plans including bid specifications, Mr. Eastwood responded that the contract was for the conceptual design for future construction documents, which was completed, and the next step is the actual construction documents. Mr. Eastwood noted that Phase 1 does not include the specific features for the park in the proposed construction documents but, rather, this will include utilities that are to be put into place for the future placement of the features of the Park. Councilman Edinger commented that the \$60,000 amount being requested is above the initial \$125,000 and asked where these funds would come from. Mr. Eastwood responded that funds are being taken from the Parks Capital Improvement Fund and the Parking Fund. Councilman Edinger asked why the traffic study done a few years ago can't be used instead of doing another traffic study. Councilman Kennedy noted that study was done a few years ago and was actually a parking study. Councilman Edinger suggested that with the Street Fair coming this weekend, the traffic study could be done by closing off Front Street between 2nd and 3rd Street this weekend. Mr. Eastwood reviewed the scope of services for the traffic study which does include the closure of Front Avenue between 2nd and 3rd Streets.

RESOLUTION 11-026

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH MILLER STAUFFER ARCHITECTS – TEAM MCEUEN FOR MCEUEN PARK TOPOGRAPHIC SURVEY.

Motion by Goodlander, seconded by Kennedy to adopt Resolution 11-026.

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

RESOLUTION 11-027

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH MILLER STAUFFER ARCHITECTS – TEAM MCEUEN FOR MCEUEN PARK TRAFFIC ANALYSIS.

Motion by Goodlander, seconded by Kennedy to adopt Resolution 11-027.

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

MITIGATION PLAN – FLOOD CONTROL WORKS (DIKE ROAD LEVEE): City Engineer Gordon Dobler reported that last year the Army Corps contracted with a third party to inspect all of the flood control projects nationwide for proper maintenance and conformance to adopted requirements. We received their summary report in March, and are required to respond with a proposed mitigation plan within 90 days. We have received a 60 day extension in order to accommodate certain clarifications we requested.

Generally, their assessments fall into three categories; Encroachments, Vegetation, and Maintenance. There were 137 items identified, of which only 22 were compliant. The rest require varying degree of action, depending on the issue. Encroachments range from minor items such as signs and benches, to larger issues such as both existing NIC bathrooms. Regarding vegetation, none is allowed on the levee or within 15' of the concrete or sheet pile walls; however, we are not proposing to remove all the trees. The maintenance items are mostly repair of the concrete wall and restoration of the embankment where it has been eroded by years of pedestrian traffic. We have up to 2 years to come into compliance.

The City accepted the Flood Control Works for maintenance in 1940, but much of the facility is on private property, within easements granted to the city by the property owners at that time. The right of way for Rosenberry Dr. was granted along the top of the levee only. Therefore, the City is responsible for maintenance while most of the facilities are on NIC property.

Mr. Dobler presented the option of being certified by an agency other than the Corps of Engineers and explained the risks and issues involved with being certified by a different agency. He noted that the City of Pocatello has retained a different agency that the Corps of Engineers for certifying their dike who also required them to remove some of their trees. He also noted that the Corps does not give any leeway in extending the 2-year time frame in complying with their standards for the levee. He noted that our mitigation plan is not a binding agreement but simply an acknowledgment of what needs to be done and what we are proposing to do.

In reviewing the mitigation plan, Councilman Kennedy voiced his concern of stating the trees

will be removed. He would prefer using the word “mitigate”. Mr. Dobler noted that no matter what we say on our mitigation plan, the Corps of Engineers will do another inspection and they will determine if what we have done has been enough to certify the levee. If we have not done enough to their satisfaction, such as not removing the trees as they have required, they could deny certifying the levee. Mayor Bloem suggested that the mitigation plan states “other mitigation options being pursued” instead of the word “removed”. Councilman Kennedy would also like to have the City make the statement to the Corps that one of our options is to wait for the Corps to complete their study of their current standards which includes removal of the trees.

Councilman Goodlander would like staff to prepare a report that details the different options and the accompanying costs to the City for getting the levee certified to FEMA either through the Corps of Engineers or another third party.

MOTION: Motion by Kennedy, seconded by Goodlander to reply to the Corps by the deadline that we are in receipt of the Corps Mitigation Summary Report and this letter and attachment is our response: We are submitting mature tree mitigation to the third party expertise to confirm the science, including the 2-year Federal study that is going on now. The city will explore all available options for compliance to the Army Corps and FEMA and will provide an appropriate mitigation plan regarding the mature trees as soon as practicable after the Federal study findings are released. Motion carried.

PUBLIC HEARING – V-11-4 – VACATION OF PORTION OF EXCESS MELROSE STREET RIGHT-OF-WAY: Mayor Bloem announced the rules of order for this public hearing. City Engineer Gordon Dobler gave the staff report.

Mr. Dobler gave the applicant’s name as Darrell Harr, 720 Davidson Avenue and his request as the vacation of a portion (25.0’) of excess Melrose Street right-of-way adjoining the westerly boundary of his property on the northeast corner of Melrose Street and Davidson Avenue.

He noted that the portion of right-of-way that is being requested for vacation is in excess of the standard right-of-way for all streets in the immediate vicinity and most of the City in general. The Melrose Street right-of-way adjoining the subject property is seventy-five feet (75.0’), whereas, the Melrose right-of-way adjoining the southerly boundary of the subject property is only fifty feet (50.0’). All of the excess right-of-way adjoins the applicant’s property and the vacation would not impact the street section since it is fully constructed and sufficient right-of-way would remain for sidewalk placement if necessary in the future. Additionally, the vacation of right-of-way would allow the applicant to construct a garage and meet all required setbacks by City code.

He reported that notices were mailed with 5 responses being received – 3 in favor, 2 neutral.

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

MOTION: Motion by Goodlander, seconded by McEvers to approve the request and vacate the right-of-way portion to the adjoiner to the east. **ROLL CALL:** Bruning, Aye; Edinger, Aye; Goodlander, Aye; Hassell, Aye; Kennedy, Aye; McEvers, Aye. Motion carried.

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

The meeting adjourned at 9:50 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk