

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, 2021

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, 2021, at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Dan Gookin) Members of Council Present
Christie Wood)
Dan English)
Kiki Miller)
Woody McEvers)

Amy Evans) Members of Council absent

CALL TO ORDER: Mayor Widmyer called the meeting to order.

INVOCATION: Pastor Eric Hermet with The Cause (CDA) Church provided the invocation.

PLEDGE OF ALLEGIANCE: Councilmember McEvers led the Pledge of Allegiance.

PROCLAMATION OF APRIL 2021 AS FAIR HOUSING MONTH- Mayor Widmyer proclaimed April as Fair Housing Month. He noted that the Fair Housing Code was enacted in 1968 to prohibit housing discrimination. Chris Gray, with Century 21 Beutler and Associates, accepted the proclamation and thanked the City for their support. He noted that Fair Housing practices are very important to the community.

COUNCIL COMMENTS:

Councilmember Miller noted that the Library is open with modifications to the teen and children's areas. Mandi Harris, the City's Children's Librarian, has been invited to do a virtual presentation at Oxford University on a paper she authored regarding infant, toddler, and preschoolers' adaptation in play and engagement to online storytelling. Councilmember Miller also noted that the growth issues coalition previously has adopted the name of "Regional Housing and Growth Issues Partnership." Representatives include regional cities, county, and Kootenai metropolitan planning organizations. Goals established include becoming a resource group to provide factual answers; to put forward solutions set toward implementation; gathering of inputs from the community and to provide education and pathways as to what is possible. Specifically, working together on topics that affect all regarding housing and growth within the County region. There will be an advisory group, which will include 30 different organizations.

The meetings will be recorded and available through Kootenai Metropolitan Planning Organization <https://www.kmpo.net/> .

Mayor Widmyer asked for the confirmation of the following appointments: Angela Fox to the Childcare Commission and Lewis Rumpler to the Planning Commission.

MOTION: Motion by English, seconded by Miller to appoint Angela Fox to the Childcare Commission and Lewis Rumpler to the Planning Commission. **Motion carried.**

CONSENT CALENDAR:

1. Approval of Council Minutes for the March 16, 2021, Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for the March 22, 2021, Meeting.
3. Approval of Bills as Submitted.
4. Setting of General Services/Public Works Committee meeting for Monday, April 12, 2021, at 12:00 noon.
5. Setting of a Public Hearing for April 20, 2021, for V-21-01 Vacation of a Portion of Undeveloped Right-of-Way Adjoining the Southerly Boundary of Tract 335 of the Amended Plat of Hayden Lake Irrigated Tracts in the City of Coeur d'Alene.
6. **Resolution No. 21-019-** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: A THREE-YEAR LEASE AGREEMENT WITH THE BUOY, LLC, FOR MOBILE FOOD CONCESSION SERVICES AT INDEPENDENCE POINT AND THE CITY'S PARTICIPATION IN THE KOOTENAI COUNTY MULTI-JURISDICTIONAL ALL HAZARD MITIGATION PLAN UPDATE.

MOTION: Motion by McEvers, seconded by Wood, to approve the Consent Calendar as presented, including **Resolution No. 21-019.**

ROLL CALL: Wood Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye. **Motion carried.**

(QUASI-JUDICIAL HEARING) APPEAL OF THE DENIAL OF A STREET TREE REMOVAL BY MILFORD BAILEY, 2102 N. 14TH STREET

The City Clerk swore in all those who provided testimony.

APPELLANT: Milford Bailey explained that he filed his appeal due to the fact that the tree poses a hazard. He proposes that the tree be removed and replaced. Mr. Bailey noted that the tree looks healthy but it has a compromised root system. There have been numerous water main breaks, which undermines the tree roots and has caused a sink hole at its base that has to be filled often. It is within a flood system and is on a hill that faces the lake. He stated that Ponderosa Pines do well when there are other Ponderosas that share a root system. He noted that this one is causing the curb to lift. It is also exposed to elevation and sits at the second story level of his house, noting that if it fell it would land across the roof. Mr. Bailey explained that they have lost about 30% of the trees in the neighborhood during the past year and several homes were severely

damaged across the street. Therefore, he would like to take preventative action, as he would be responsible if the tree falls. He noted his house is only 25 feet from the tree. His insurance company notes that he would be liable if he is aware of a negligent item and didn't act. In light of the recent storms, we should be proactive.

DISCUSSION: Councilmember Gookin asked if he had an arborist, other than the City's, look at the tree. Mr. Bailey noted that Specialty Tree Service looked at it and felt it should be removed. Councilmember Miller asked if 30% of trees lost in the neighborhood were any on his property. Mr. Bailey noted they were not and he has removed anything that was threatening on his property. He did get permission for the removal of one tree 20 years ago, but this tree was not allowed during that same request to Urban Forestry. He clarified that this is the third time he has requested removal of this tree over 20 years.

STAFF REPORT: Urban Forester Nick Goodwin noted that he has met with Mr. Bailey on his property and inspected the tree. He noted the roots, but was not made aware of any main line water breaks. He did present the request to the Urban Forestry Committee, who inspected the tree through the established removal permit request process. The City's tree inspection form prompts inspectors to evaluate tree health, condition, site, and nuisance factors. Ability to mitigate these concerns is considered. Tree benefits are also considered such as environmental benefits, wildlife values, and contributions to the streetscape, neighborhood and overall urban forest. He noted that Urban Forestry Committee members inspected this tree and all recommended retention, with pruning recommended to mitigate concerns regarding safety by reducing windsail and pruning for clearance was recommended. He noted that the tree does have significant dead wood and some minor gall rust infection that should be pruned for health and to allow wind/air to flow more freely through the canopy. The committee did note that there was some erosion on the eastern side of the root ball but also noted healthy root growth on all sides of the tree and did not find this erosion, that appeared to be to the slope of the tree's location, affected the tree's stability. The Committee also noted that the tree was at least five (5') feet in from the curb and would be in line with current City planting spacing codes regarding large scale street trees. The committee did note that there were several trees to the northwest of this tree's location that failed in the January wind storm and that this would increase its exposure to wind. However, the committee did feel that crown cleaning would help mitigate this. The committee found this tree to not be of greater risk than any other large scale street tree. Furthermore, the tree was estimated to be roughly sixty (60) feet tall and, although grand scale, still had many decades or more to provide benefits as a street tree. The committee also found no site conflicts other than competition with an apple tree but this can also be mitigated with pruning.

DISCUSSION: Councilmember McEvers noted that the owner's concerns are different than what the Committee considers. Mr. Goodwin noted that the Committee does look at the health of the tree and if there were some outstanding risks that would require removal. Their main focus is the health assessment of the tree and would approve removal if they felt there was a risk. The Committee felt the concerns brought up by Mr. Bailey could be mitigated through pruning. Mr. Goodwin noted that with the other trees falling in the neighborhood, it could increase the wind through the property; however, the pruning would mitigate the issue. Councilmember Gookin asked how close the tree was to the curb line. Mr. Goodwin noted it was within five (5') feet, and the current code requires street trees to be within 10 feet, so the tree meets current code.

Councilmember Gookin asked what the width of the right-of-way is in that area. Mr. Goodwin thought it was 12' to 15' wide. Councilmember Gookin asked if the City wanted to use the right-of-way, could they remove the tree. Mr. Goodwin noted that the City could remove the tree. He reiterated the Committee did not find the tree was a risk and issues could be mitigated. Councilmember Gookin spoke to Grace Tree Service and they said that there were currently more requests to remove trees in the City than they have ever seen. Mr. Goodwin confirmed there are many requests, which is relevant to the storms that occurred this year. Councilmember Gookin noted that it could be an overreaction; however, this tree is in the right-of-way and he doesn't think the City would ever use the right-of-way, and asked if the City would allow removal with a required replacement. Mr. Goodwin explained that the code does require replacement if the tree is removed. Councilmember Wood noted that she appreciated staff and the Urban Forestry Committee's work to keep a healthy urban forest. She wondered how many people would go through the expense of pruning a ponderosa pine. Mr. Goodwin noted that there are not enough people willing to do so, and noted that the City does have a shared cost program. Councilmember Wood asked if Mr. Bailey chose to do the pruning it would be out of his pocket. Mr. Goodwin clarified that all street trees are the responsibility of the abutting property, reiterated the cost shared program assists in the cost but doesn't cover the entire cost. Councilmember Wood felt that if there is a large expense for pruning and people getting loss of sleep over the potential fall of the tree, it should be removed. Councilmember Miller wondered if the tree was planted by the City or if it was a volunteer sapling. Mr. Goodwin felt that it was probably a volunteer sapling as he has no records of the planting. Councilmember Miller asked what the City's legal position is if we deny and there is some harm that comes to that property later. Mr. Goodwin has talked with legal and they are trusting the Committee with the responsibility of the health of the tree and if a tree fails the City is willing to accept that risk. City Attorney Mike Gridley noted that it would be minimal risk if we demonstrate that the Committee exercised ordinary care. Likewise, if an ordinary person would remove the tree, we could have liability. Councilmember English noted that the Council does not overturn a denial lightly; however, he is comfortable with overturning this decision.

REBUTTAL: Mr. Bailey noted that the trees across the street fell from a City alley that is not maintained, and those trees were healthy and destroyed those houses. He is trying to prevent that from happening to his house. Councilmember Wood noted that she appreciated staff and the Committee's work, but thinks the presentation leads to a valid reversal.

MOTION: Motion by Wood, seconded by Gookin to reverse the decision of the Urban Forestry Committee denying a Tree Removal Request at 2102 N. 14th Street by Milford Bailey, and to direct staff to prepare the Findings and Order.

ROLL CALL: McEvers Aye; Gookin Aye; English Aye; Wood Aye; Miller Aye.
Motion carried.

RESOLUTION NO. 21-020

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO,
APPROVING A CONTRACT WITH TML CONSTRUCTION, INC., FOR THE 2021
COMPOST BIOSOLIDS HOPPER RETROFIT PROJECT AT THE COMPOST FACILITY.

STAFF REPORT: Wastewater Capital Program Manager Mike Becker explained that the Compost Facility located at the north end of Julia Street, produces a Class “A” compost by mixing anaerobically digested and dewatered biosolids from the treatment plant with new and recycled wood chips through a hopper and screw auger conveyor system. The existing hopper and conveyor system has exceeded its useful life and is undersized for the projected increase in biosolids production resulting from the most recent Treatment Plant upgrade. Further, the existing design promotes sticking and bridging of biosolids immediately above the hopper’s live bottom which interrupts the feed operations, thus requiring partial and additional loading of both wood chips and biosolids. This also affects the mixing ratio of biosolids. It also requires manually dislodging the biosolids during operations which is not only time-consuming but a potential safety concern. In compliance with the Wastewater Facility Plan, the new design will be upsized to accommodate increased biosolids loading as more solids are generated from the Treatment Plant. It will be reconfigured such that the hopper sides will minimize biosolids bridging and the screw conveyor will be larger with 4 augers designed with adjustable speed settings to efficiently improve the desired mixing ratios of both wood chips and biosolids. The City sent this out to bid on February 26, 2021, and the City received only one (1) bid, with TML Construction in the amount of \$365,200.00.

DISCUSSION: Councilmember McEvers asked if this is a retrofit or a new process. Mr. Becker explained that they are using the same concept and improving on it; however, it does require some structural changes to the building. Councilmember English note that the compost give away is this weekend and asked for the date and times. Mr. Becker noted that the giveaway starts Friday and ends Sunday or when they run out of compost.

MOTION: Motion by McEvers, seconded by English to approve **Resolution No. 21-020**, approving a Contract with TML Construction, Inc., for the 2021 Compost Biosolids Hopper Retrofit Project at the Compost Facility.

ROLL CALL: Gookin Aye; English Aye; Wood Aye; Miller Aye; McEvers Aye. **Motion carried.**

RESOLUTION NO. 21-021

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT WITH SCHOOL DISTRICT 271 TO PROVIDE SCHOOL RESOURCE OFFICER SERVICES FOR SCHOOL YEARS 2021-2023.

STAFF REPORT: Police Chief Lee White noted that the City has maintained an agreement with the Coeur d’Alene School District to provide School Resource Officer services for several years in a collaborative effort to ensure the safety of the students and staff. The Coeur d’Alene School District agrees to pay 67% of nine months’ salary and benefits of eight (8) Officers to be paid quarterly in equal installments. This percentage is unchanged from the previous agreement. This partnership with the Coeur d’Alene School District is extremely valuable and demonstrates our commitment to keeping our students safe. The agreement has no material changes, with the only notable change being the addition of Northwest Expedition Academy to the list of the elementary schools.

DISCUSSION: Mayor Widmyer noted that the resource officers are used as regular officers during the summer. Councilmember Wood noted that it is an excellent program. Chief White explained that the benefits are amazing and many relationships are built over the years.

MOTION: Motion by Wood, seconded by Miller to approve **Resolution No. 21-021**, approving an Agreement with School District 271 for School Resource Officers for a Two-year Term.

ROLL CALL: English Aye; Wood Aye; Miller Aye; McEvers Aye; Gookin Aye. **Motion carried.**

RESOLUTION NO. 21-022

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF, AND APPROVING A CONTRACT WITH, TML CONSTRUCTION, INC., FOR THE HUETTER WELL FACILITY.

STAFF REPORT: Water Department Director Terry Pickel explained that pursuant to the 2012 Water Comprehensive Plan, staff has been working diligently to keep on schedule with planned well construction to keep up with ever increasing demand. The Huetter Well site was deeded to the City as part of the Trails Development. As Drinking Water Rule requires that a public water system be able to meet peak daily demands with its largest well out of service, it was necessary to proceed with planned construction. Peak summer daily demands have been averaging 38 MGD (million gallons per day) to 40 MGD for the past 3 years. With a current maximum capacity of 44 MGD, we can no longer meet that peak day requirement. Should we have a major pump failure during the summer season, we would likely have to impose watering restrictions. The Huetter site was test drilled in 2018 and proved that the water quality and soil profile was suitable for use as a potable supply. The production well was drilled and test pumped in late fall 2019, early spring of 2020. It now stands ready to have a building constructed and a pump installed. An 18-inch transmission main was recently installed along the Prairie Trail to the Industrial Standpipe to supply water to the High Zone. Keller Associates was selected to design, bid, and oversee construction of the new well house and related appurtenances. Bids were recently solicited for the construction of the well house, installation of the applicable piping, electrical, the pump, and related site improvements. The following bids were received, including alternative bid schedule A for landscaping: \$1,038,400.00 from TML Construction, Inc., \$1,102,225.00 from NNAC, Inc., \$1,513,000.00 from J7 Contracting, and \$1,826,685.00 from S&L Underground. The project is included in the 2021 FY Budget with a line item of \$1,200,000.00, funded by Capitalization Fees. The engineering consultant has reviewed the bids and determined that they are complete and responsive. Therefore, staff recommends the acceptance of the lowest responsive bid from TML Construction, Inc., in the amount of \$1,038,400.00 and approve the Contract with TML for the construction of the Well House and related site improvements, pump installation, plumbing and electrical for the new Huetter Well.

DISCUSSION: Councilmember McEvers asked for an oversight as to what goes into building a new well and its costs. Mr. Pickel explained that the total project costs are about \$1.4 Million, which is expensive; however, they have to meet peak demand pursuant to Department of

Environmental Quality standards. He also clarified that this is why water conservation efforts are important. Councilmember McEvers asked how many wells the City runs in summer compared to winter. Mr. Pickel noted that the City runs 10 wells, with this additional one it will be 11, compared to only 3 in the winter. Councilmember Gookin was surprised by the \$1.4 Million Dollar cost for the building, and asked what the per foot cost would be. Mr. Pickel explained that the costs are for the entire system, not just a building, noting that the well is \$250,000, with other large costs for a generator, computer panels, chlorine units, and storm drains.

MOTION: Motion by McEvers, seconded by Gookin to approve **Resolution No. 21-022**, Award of Bid to and Approval of an Agreement with TML Construction, Inc., for the Huetter Well Facility.

ROLL CALL: Wood Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye. **Motion carried.**

RESOLUTION NO. 21-023

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF, AND AWARDING A CONTRACT TO, POE ASPHALT PAVING, INC., FOR THE STREETS AND ENGINEERING DEPARTMENT'S 2021 CHIPSEAL PROJECT.

STAFF REPORT: City Engineer Chris Bosley noted that this year's chipseal project was advertised for bids in February and March, 2021. He reviewed the streets to be included this year, noting a portion of Ramsey Road and Government Way. Mr. Bosley explained that he will be working with Hayden and Lakes Highway District for their portion of Government Way from Wilbur Avenue to Prairie. He noted that the funds go approximately four times further than in an overlay project. Bids were opened on March 9, and three (3) responsive bids were received as follows: Road Products, Inc. for \$ 473,555.90; Poe Asphalt Paving, Inc. for \$334,324.58 and Knife River Corporation in the amount of \$495,000.00. The overlay program is a budgeted item with an annual budget of \$750,000. This year funds were purposely held back to ensure enough money is available for the Kathleen Avenue widening project. To ensure pricing, the Notice of Award must be issued within 30 days. Construction will likely occur in late July or August when temperatures allow. Mr. Bosley noted that citizens should pay attention to traffic control devices within project areas and that if a traffic signal is off it should be treated as a stop sign. He reiterated that people should not drive through the wet oil, and to drive slowly through the gravel areas. Staff recommends awarding the contract to Poe Asphalt Paving, Inc.

DISCUSSION: Councilmember Wood asked about the long-range planning for the areas included in the project. Mr. Bosley explained that there is a five-year plan, which is not set in stone, as they need to be flexible when partnership projects come up. They do have a street rating program to determine the competency of the roads, which helps to determine priorities. Councilmember English asked when major restriping occurs. Mr. Bosley noted that it normally occurs during this time of year; however, they have experienced an issue securing paint. Mayor Widmyer also noted shortages of PVC for pipes and asphalt for roads and paint which appears to

be due to the unexpected winter weather that Texas experienced. The order is in and they have to see when delivery will occur.

MOTION: Motion by McEvers, seconded by Miller to approve **Resolution No. 21-023**, approving a Contract with Poe Asphalt Paving, Inc., for the 2021 Chipseal Project.

ROLL CALL: Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye. **Motion Carried.**

COUNCIL BILL NO. 21-1005

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTION 2.82.010(A) OF THE COEUR D'ALENE MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

STAFF REPORT: Trails Coordinator Monte McCully explained that Pedestrian and Bicycle Committee was created by City ordinance in 2003. At the time the committee was composed of 15 members and those members were assigned the duty of making recommendations to City Council regarding improvements to bicycling and pedestrian facilities in the City. At the time opportunities were missed in the planning stage as public and private development and redevelopment occurred. Opportunities were also missed by the failure to properly implement planned pedestrian and bicycling friendly features in actual construction. Many staff members and citizens recognized a need for help in implementing and following through with Council approved programs such as the City's Trails and Bikeway Plan. The committee has never had formal bylaws, only a set of ordinances to follow and the Committee felt that adopting these ordinances into a set of bylaws would be beneficial to each new member. There are also a few changes to the Pedestrian and Bicycle Committee ordinance they are requesting to help streamline the committee. The first item is to change the number of members from fifteen to a minimum of eight members and a maximum of twelve members. The committee felt having 15 members was unwieldy and having fewer members would make it easier to facilitate discussion and to meet quorum minimums. The second change would be to designate one of the General Public representatives to a Water Access Community representative as water trails will soon be added to the trail system. The third item is to change the name of the Retired Community representative to an Older Adults representative to ensure they are representing older adults that may have mobility difficulties and not a younger retired person. The changes to the ordinance and adopting bylaws will help streamline the function of the Pedestrian and Bicycle Committee, as well as provide a clearer outline for all new members to follow. The formal bylaws would also be, word for word, the same as the ordinance.

DISCUSSION: Councilmember Wood noted that she felt the committee did a good job.

MOTION: Motion by Wood, seconded by English, to dispense with the rule and read **Council Bill No. 21-1005** once by title only.

ROLL CALL: Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye. **Motion carried.**

MOTION: Motion by Wood, seconded by English, to adopt **Council Bill No. 21-1005.**

ROLL CALL: Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye. **Motion carried.**

RESOLUTION NO. 21-024

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING THE POLICY FOR FOOD AND/OR ALCOHOLIC BEVERAGE SERVICE AREAS ON PUBLIC SIDEWALKS.

STAFF REPORT: Municipal Services Director/City Clerk Renata McLeod noted that at the March 2, 2021, Council meeting, Council requested that staff work toward enforcement of alcohol related codes and strict compliance with the outdoor seating policy. Upon staff review of the outdoor eating policy, it was noted that the section entitled denial and revocation of permits does not contain language for denial. Currently, denial would only be based on the applicant's inability to meet the layout requirements, and/or ADA codes. All other references relate to suspension and revocation after the applicant has been issued a permit. As the review of the policy continued, it became apparent that there could be clarifications made and some reorganization of the existing language to make the policy easier to follow. She explained that these provisions provide a means for denying a permit, rather than requiring approval of it, followed with an immediate suspension. Additionally, clarifying language as to who is the applicable staff person and several reorganizations of existing data to make the policy easier to follow, including a more direct reference that all appeals would be heard by the City Council, and that the suspension would be stayed until the appeal hearing is held. She reviewed the amendments and noted that the draft policy was provided to the Downtown Association and permit holders, and one comment was received.

DISCUSSION: Councilmember McEvers asked if this is related to any seating on public property, not private space. Ms. McLeod confirmed that this relates to public property. Councilmember Wood stated the requirement for liability seems low. Ms. McLeod noted that Idaho State code sets the normal requirement at \$500,000 but it can be raised. City Attorney Mike Gridley noted that \$500,000 is also our tort claim liability limit. Mayor Widmyer asked how that would affect the current permit holders. Ms. McLeod noted that this would affect next year's applicants. Councilmember Gookin asked why beer gardens were not permitted. Ms. McLeod explained that is what the Council at the time wanted in the policy, which appeared to be based on citizen concerns. Councilmember Gookin felt that it seemed there was a loophole based on people at a restaurant being able to drink without having food. He further noted that it seems to be an issue because of the alcohol service in the downtown and wondered how it would work. Ms. McLeod explained that the code allows for a suspension of the outdoor seating permit if there are violations of the city, state, or local codes. However, the City has never taken that action in the past and the largest issue has been the placement of additional chairs and/or the refusal to clean up the chairs at 11:00 p.m. She explained the process of how the police reports

are submitted to ISP, as the oversight group for the Alcohol Beverage Control, and their administrative process, noting that it is not a ticket and court process rather the ISP process. She noted the policy is intended to be a progressive disciplinary process, with a warning letter that requests the permittee develop their plan of action of how they will cure the situation. Councilmember Gookin noted that he is concerned about the current enforcement of and validity of the overserve reports and extra scrutiny against certain bars. Councilmember Wood noted that the use of the City property is a privilege and there should be accountability included in that privilege. She reiterated that the Council came forward a few months ago and requested law enforcement to address the issues before they get out of control. The goal being that people can enjoy the downtown area and everyone goes home safe. Councilmember McEvers noted that he was around when they enacted the original policy in 2006 and the idea was that the businesses could use public property to make money and at the time there wasn't 27 businesses requesting it; however, the food was the rule to keep it from getting out of hand. This program has evolved but our values haven't changed and people want to let loose a little more after COVID. However, the rules are fair and the City isn't asking too much from the permittees. Councilmember Miller agrees that this is a privilege and not a right and thinks it's a benefit to the visitors and citizens. She noted that the name of the permit is an outdoor eating encroachment permit and it was never the intent to include a beer garden. Law enforcement came to Council with serious issues and thinks it is important to note that if there are violations, the permittee may have privileges taken away.

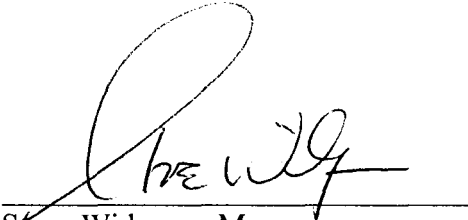
MOTION: Motion by Wood, seconded by McEvers to approve **Resolution No. 21-024**, adopting Amendments to the City's Food and/or Alcoholic Beverage Service Areas on Public Sidewalks Policy.

DISCUSSION: Councilmember Gookin noted that he felt that the City is punishing the owners for the actions of their customers. He talked with owners today and they seem sincere about solving the issue of over service. He believes this is government overreach and he doesn't believe this is pro-business. Councilmember Miller stated that she doesn't think this is just about over service and that there have been a lot of incidents downtown. She clarified that she doesn't want to harm these owners, rather she feels the Council has responsibility to get containment of these unhealthy issues and this is also a message to their patrons. Councilmember Miller believes some action has to be taken. Councilmember McEvers shared that he has been in the area since the 1970's and has worked in a lot of the businesses in town. He noted that when a business has a liquor license it was deemed sacred, and a cash cow, so there is responsibility that comes with a hard liquor license. The rules within the businesses were clear to not over serve and to keep people under control within the establishment and that the person with the liquor license has to abide by the rules of the state. Councilmember Wood added that it is a balance of allowing everyone to enjoy the downtown and keep bars fun and safe with rules to be followed and accountability.

ROLL CALL: McEvers Aye; Gookin No; English Aye; Wood Aye; Miller Aye. **Motion carried.**

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

The meeting adjourned at 7:36 p.m.



Steve Widmyer, Mayor

ATTEST:



Renata McLeod, CMC
City Clerk