

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, 2022

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 on August 2, 2022, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

INVOCATION: Pastor David Bond with Compel Church provided the invocation.

PLEDGE OF ALLEGIANCE: Councilmember Evans led the pledge of allegiance.

AMENDMENT TO THE AGENDA: Mayor Hammond asked the Council if they would like to set a separate meeting date for the ArtCurrents item listed as Resolution No. 22-034, with the Council affirming that the item stay on the agenda for discussion.

MAYOR AND COUNCIL COMMENTS:

Councilmember English informed the public that he has been spending time at Atlas Park, specifically the water dog park and it was very joyful to watch the people with their dogs and he encouraged the community to enjoy the new park.

Mayor Hammond requested confirmation of the appointments of David Passaro to the Pedestrian and Bicycle Advisory Committee, and Jolie Wenglikowski to the Childcare Commission.

MOTION: Motion by Evans, seconded by Miller, to appointment David Passaro to the Pedestrian and Bicycle Advisory Committee, and Jolie Wenglikowski to the Childcare Commission. **Motion carried.**

CONSENT CALENDAR: Motion by McEvers, second by Evans, to approve the consent calendar.

1. Approval of Council Minutes for the July 19, 2022, Workshop and Council Meeting.
2. Setting of the General Service/Public Works Committee Meeting for August 8, 2022.
3. Approval of Bills as Submitted.

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

PUBLIC COMMENTS:

Cheryl Bersch spoke in opposition of the proposed closed fist statue, noting that the hand symbol represents communism. She recommended reading a book about life in Shanghai.

Roselyn Sgaretas spoke in opposition of a fist hand art piece. She expressed concern that freedom will become extinct, noting that it represents something that is against her country and believes it leads to communism.

RECESS: The Mayor called for a recess at 6:18 p.m. The meeting resumed at 6:25 p.m.

Megan Slawson noted that the vision statement of the Arts Commission states that citizens are committed to build an exceptional collection of public art; art that defines the community, distinguishing it from others, complimenting Coeur d'Alene's many attributes and serving for prosperity. She spoke in opposition of the "Solidarity" piece, noting it was divisive and expressed disappointment at the Arts Commission's discussion regarding the controversial piece.

Joe Alfieri, spoke in opposition of the clinched fist art, the origin and meaning is with a purpose of communism and a hidden meaning. The closed fist has been used as a symbol of revolutionaries for years and the contemporary use of the black lives matters movement. He felt that current images are used without an understanding of its history. He requested the Council reject the recommendations of the Arts Commission.

Laura Van Voorhees spoke in opposition of the closed fist art piece, noting it is a symbol of communism and supported the previous comments made this evening. She felt the Arts Commission's behavior was very disrespectful and dismissive of the public.

Tony Wisniewski spoke in opposition of the art piece, noting that his father was in the Polish Army and fought for 6 years, and he has personally witnessed a Country being handed over to communism. He urged the Council not to place the statue in Coeur d'Alene.

Rachael Nunya noted that the requiring address policy is an intimidation tactic and should be dropped to avoid lawsuits. She spoke in opposition of the clenched fist artwork as it is a symbol of the communist system and other sick practices. The public art displayed should be pleasing to the public instead of repugnant.

Justin O'Connell, expressed displeasure of the government being involved in art purchase and displeasure with the Otocast app.

Alan Golub noted that he is an artist who had the great honor to do the memorial for Greg Moore and to travel to New York and meet the family of Bryan Moore who was shot in the face. Since that time, he has done art to honor police, fire and tribal members across the Country. He presented the flag of Black Lives Matter he saw flying in Portland depicting the closed fist symbol. He noted that this is the same group that caused hundreds of public safety members to be harmed across the cities and would not want that symbol in our city.

Mike Gridley noted that the Art on the Green event is coming this weekend, noting that this is one event of many that make this a great place to live. He believes that people come here because the people are all nice and respectful. He also noted that the "North Idaho Rejects Hate" shirts were given out within 24 hours a few weeks ago. So, they are hosting another t-shirt give away this Friday and Saturday in front of the Human Rights Education Institute.

Mary Smith noted that she wanted to talk about building heights, but due to the seriousness of art discussion tonight she just wanted to express her opposition to the art piece.

Jennifer Drake noted that she is a member of Arts Commission and felt that the majority of the people are willfully ignoring the artist's intent, reiterating the title of the piece is "Solidarity." She noted the artist's intent statement explains that the piece is in support of oppressed people and those that stand with marginalized groups. It is made from reclaimed metal, using the earth resources responsibly. She noted that the Arts Commission understood it would be controversial; however, they felt there would be people that would appreciate it. She expressed disappointment with the disrespect toward the volunteers of the Arts Commission, and explained that the process for approval is to go through a selection committee, then to the Arts Commission and on to the Council for final discussion and approval. The Council has the authority to approve or disapprove the recommendations and she hopes it is just determined for the right reasons.

Wendy Smith apologized for coming up to the stage, noting that she was unaware of the address requirement and requested that the policy be reviewed for future meetings. She referenced her child as a person of color, who she is speaking for tonight. She noted her opposition to the raised hand art piece as it is a symbol of violence, communism, and Black Lives Matter and devalues our police officers.

Mike Kemp spoke in opposition of the art piece noting he supports the comments previously made. He noted that he didn't see the artwork displayed anywhere in advance of the meeting and would like to see it better publicized in the future.

Brook Miller stated that she is a 48-year resident of the community and has two children of color and found it difficult to understand the meaning of the closed fist. She researched its meaning and feels it is divisive and based on its history she would not want it in the community. She remembers that in the 1980's the clenched fist was also a symbol of white power that the community worked to get rid of, so she is in opposition of the piece.

Randy Neal expressed concern over the requirement to provide an address in order to give public comments. He noted that he is a 4th generation Idahoan and remembers that the Kootenai County Taskforce and Police worked hard to get Richard Butler out of Coeur d'Alene; therefore, he believes this type of hateful symbol should not be here.

Mike Birdsong expressed concern over having to provide his address. He spoke in opposition of the piece, noting that he agrees with previous comments. He noted that he is a veteran and this art piece expresses hate and other art can be very beautiful. Freedom of speech is what makes America great but symbols of hate would be disrespectful.

Marty Martin spoke in opposition of the art piece as it relates to the history of communism. He compared the art to a sculpture of Hitler and expressed interest in an art piece of Sam Adams.

Brad Cree spoke in opposition of the closed fist art piece. He noted that he is a veteran as well as other family members. His dad taught him to be considerate, honorably defended the flag, and protected others' rights. He offered to purchase the piece for \$1,000 and display it under his conditions.

Lynda Putz spoke in opposition of the piece as it is a common symbol of communism. She noted several comments made by elected officials in support of the piece. She further noted that the art piece symbolizes hate and expressed disappointment with the Arts Commission.

Norman Leffler noted that he is a retired doctor and has lived in the community for 22 years. He further stated that he served in the cold war and has been in art museums across the world. He suggested that tax money be spent on items other than sculptures. He believes the Arts Commission doesn't know about art and they should be educating the young people, studying art history, and have the library have a celebration of art. He suggested putting a wing onto the museum for art. He noted that Spokane Valley has a heritage museum exhibit with a Smithsonian exhibit. He reiterated that he is in opposition of the fist art piece as it is a communist symbol.

Kenny Moore expressed concern that public money was spent on an art piece in 2000, and it didn't work. He felt that the Artwalk pieces were not very impressive and the Committee should choose better pieces. He noted that the Council should make this right for the community as they have the authority.

Bill Green noted that a lot of people look to the United States as an inviting place as we are a free society. He expressed that art is an amazing experience in the world and always has meaning and can lift people's spirits and sometimes may give courage beyond our senses. He felt that art should represent the values of the community and be inspirational. The symbol of the fist is based on the notion that government is all wrong, but our society states that the government is for the people and honest respectful debates.

RESOLUTION NO. 22-033

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CMGC) CONTRACT WITH CORE WEST, INC., IN THE AMOUNT OF \$40,000.00 FOR PRE-CONSTRUCTION SERVICES FOR THE POLICE DEPARTMENT BUILDING REMODEL AND EXPANSION.

Staff Report: Police Captain Dave Hagar noted that the Council previously approved \$4,500,000 in American Rescue Plan Act (ARPA) funds for the remodel and addition to the Police Department Headquarters Building. In February of this year, the City advertised a RFQ for Construction Manager/General Contractor (CMGC) services and, while there was some interest, the City did not receive any Statements of Qualifications. Based on this, the Police Department consulted the City's Legal Department (Legal) and was informed that it could engage directly with any qualified provider and negotiate a contract. The Department began with CORE West, Inc., a national firm that specializes in municipal buildings and, specifically, public safety buildings. The Department met with representatives of the firm both in-person and virtually several times and has included Building Maintenance Division staff in these discussions. The Department has also worked with Legal in reviewing the contracts. The firm is well-qualified and has already offered several suggestions and alternatives to reduce costs and maximize the value of the proposed remodel and additions. Pre-construction services include consultation with the City and the Architect on procedures, progress, coordination, and scheduling; advice on proposed site use and improvements, such as selection of materials, building systems, and equipment; recommendations as to constructability, availability of materials and labor, time requirements, and other factors; preparation of a project schedule for phased construction; preparation of cost estimates and procurement schedules; and preparation of value engineering options.

MOTION: Motion by Wood, seconded by Evans, to approve **Resolution No. 22-033**, Approving a Construction Manager/General Contractor (CMGC) Contract with Core West, Inc., in the amount of \$40,000, for pre-construction services.

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

RESOLUTION NO. 22-034

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING SIX (6) ART DISPLAY AGREEMENTS, EACH FOR A TERM OF ONE-YEAR WITH THE OPTION TO EXTEND FOR AN ADDITIONAL ONE YEAR, FOR NEW ART PIECES PURSUANT TO THE 2022 ARTCURRENTS PROGRAM.

Staff Report: Stephanie Padilla, City Accountant noted that the Public Art Program Policy, adopted by the City Council pursuant to Resolution No. 00-101, on November 2, 1999, amended by Resolution No. 08-017, and further amended by Resolution No. 17-027, on May 2, 2017, designates the Coeur d'Alene Arts Commission (Commission) as the standing committee

charged by the City Council to oversee the Public Art program. Oversight responsibilities of the Commission include selection of art for display on public property around the City through the ArtCurrents program. A “Call to Artists” was published through CaFÉ, and was open to local artists residing in the states of Idaho, Montana, Utah, Wyoming, Washington, Oregon, and the Canadian Province of British Columbia. The criteria required that the submitted art pieces be a minimum of 36” high, that the artist provide a photo of the front and back of the art piece, and include a brief explanation of, and inspiration for, the piece. The call closed on July 8, 2022, and a total of eleven (11) art pieces from nine (9) artists were submitted. The Arts Commission is recommending to Council the following six (6) of the selected pieces: “Mi Paloman II (Dove)” by Lin McJunkin; “Reins” by Francis Fox; “O’Keefe 8” by Patrick Sullivan; “O’Keefe 9” by Patrick Sullivan; “Responding to a Rival” by Jason Paul; and “Solidarity” by Rick Davis. The newly selected ArtCurrents pieces will be displayed for a maximum of two years beginning in October 2022, and concluding in September 2024. Each artist will receive \$1,000 per art piece for each year the art is on display. Funding for the ArtCurrents program comes from ignite cda. The total budgeted amount for the ArtCurrents program is \$20,000, over a two-year fiscal year budget (\$10,000 for each fiscal year). Ms. Padilla noted that Council could pick and choose which piece they would like included in the ArtCurrents program.

DISCUSSION: Councilmember Evans asked Ms. Padilla to explain the process and its use of community volunteers, with Ms. Padilla explaining that the first committee was a group of citizens consisting of five (5) volunteers who reviewed the art and verified that the art qualified and considered the size. They presented their findings to the Arts Commission, who made the final recommendation to Council. Councilmember Evans noted it is important for a citizen to express their interest in serving on one of the commission or committees. Councilmember McEvers clarified that the City is not buying the art, that it is on loan and others can buy the art. Councilmember Miller noted that the artist’s intent and story behind the pieces is a part of the program and asked how the public can read and access the artist’s intent statement. Ms. Padilla noted that the website contains all the information. She clarified that the Commission was waiting for a Council decision before they posted the pieces to the website and could probably release them sooner in the future. Councilmember English suggested a QR code on the plaque at each location that could access the art information. Councilmember Wood noted that they have listened to a lot of testimony and it is a difficult position for the Council to determine what art should be available, the same with books, music and doesn’t believe censorship is the role of an elected official. She does think the art should not be divisive or cause people pain and believes the artist intended on promoting solidarity. Councilmember Wood clarified that she does not like censorship and works with the Idaho Human Rights Taskforce, who in the past had spoken in opposition to the “Hammer and Sickle” piece because of how it made people feel, and this reminds her of that. She noted that there are great suggestions given tonight and maybe an offer of a private exhibit for these types of pieces would be a good compromise. Councilmember English noted that he appreciates the discussion and has respect for veterans and police; however, felt that it was good to look at the artist’s intent. He noted that the symbol has been used for different things over the years and can be inspirational and believes that the six (6) pieces are great recommendations and with the intent it is appropriate the piece be a part of the recommendations. Mayor Hammond noted that his four (4) oldest brothers served in the military and two (2) friends served in Vietnam and they shared their stories and felt that he would not want a piece if it caused any disrespect toward the vets or those who have experienced

communism. The Mayor encouraged the Council to pull the “Solidary” piece. Councilmember Gookin noted that there were several emails in support of the art piece as a welcoming community; however, Gandhi said “You can’t shake hands with a closed fist.” Councilmember Miller noted she appreciated different views; however, she was disappointed with disrespectfulness. She did note that she agrees with funding other forms of art. She also noted that she researched definitions of the symbol, and it was also defined to express unity, strength, or resistance. Nelson Mandela and his wife used the closed fist as a symbol of the struggle of Apartheid, so there are a lot of ways to view a piece of art. She did feel that there is a lot of divisiveness in the community and wonders if it is worth it to approve a piece that is causing additional divisiveness. Councilmember Evans agreed with Councilmember Miller and wanted to acknowledge the work of the Arts Commission, noting that they are truly working to pick pieces for the community to enjoy and they were basing their recommendations on the intent of the artist and they would not want to bring a piece that would bring future divisiveness. Councilmember English concurred that he would not support the piece if it is intended to be a communist symbol, and he will not vote to remove it because he doesn’t believe it is intended to be a communist symbol. Councilmember Wood noted that she is not in a position of censorship and asked if the Commission could consider a private exhibit of the piece somewhere. Councilmember Gookin noted that he is against censorship but felt that this is a process and the Council is just making a decision on what to display, that the artist is not being inhibited from selling the piece, nor displaying it at a private gallery. Councilmember McEvers recalled that when the feathers art pieces on Northwest Boulevard were placed, they were opposed. He noted that the terms disrespect and divisiveness were used throughout the night and thinks the piece doesn’t fit.

MOTION: Motion by Gookin, seconded by McEvers, to approve **Resolution No. 22-034**, Approving the Selection of New Art Pieces for the 2022 ArtCurrents Program, and Authorizing Execution of the Art Display Agreements with the exception of the “Solidarity” piece.

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

RECESS: The Mayor called for a recess at 8:01 p.m. The meeting resumed at 8:12 p.m.

RESOLUTION NO. 22-035

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH KELLER ASSOCIATES FOR THE INDEPENDENCE POINT STORMWATER IMPROVEMENTS.

STAFF REPORT: City Engineer Chris Bosley explained that in 2021, the City of Coeur d’Alene was awarded \$695,000, from the Idaho Department of Environmental Quality for the Building Idaho’s Future grant (now called the Leading Idaho Subaward Program). The goal of the program is to fund projects that will reduce phosphorus loading into Lake Coeur d’Alene. The City was awarded funding for three (3) stormwater reduction projects in three (3) separate drainage areas: Mullan Road, Sanders Beach/11th Street Marina, and Independence Point. Independence Point is the largest of the three with approximately 131 acres draining to the

outfall. Staff met with Keller Associates to discuss this project and prepare a cost estimate to perform a hydraulic analysis of the stormwater system and develop a conceptual stormwater design that will reduce the amount of stormwater entering Lake Coeur d'Alene. This would likely be accomplished through a combination of swales and subsurface storage/filtration units, but will be ultimately determined during design. The cost for the design is \$36,900, which would be funded through the IDEQ grant.

DISCUSSION: Councilmember McEvers asked about the amount of space available for the project. Mr. Bosley clarified that it is about 1/3 of the size of the US 95/Northwest Boulevard project, which doesn't have the open space to make a huge swale, so they are looking at other options like R-tanks and dry wells.

MOTION: Motion by Evans, seconded by Miller, to approve **Resolution No. 22-035**, Approving a Professional Services Agreement with Keller Associates for the Independence Point Stormwater Improvements.

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

RESOLUTION NO. 22-036

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ESTABLISHING A NOTICE OF TIME AND PLACE OF PUBLIC HEARING OF THE PROPOSED BUDGET FOR FISCAL YEAR 2022-2023, AND INCLUDING PROPOSED EXPENDITURES BY FUND AND/OR DEPARTMENT, A STATEMENT OF THE ESTIMATED REVENUE FROM PROPERTY TAXES AND THE TOTAL AMOUNT FROM SOURCES OTHER THAN PROPERTY TAXES OF THE CITY FOR THE ENSUING FISCAL YEAR, AND A LISTING OF EXPENDITURES AND REVENUES DURING EACH OF THE TWO (2) PREVIOUS FISCAL YEARS, AND PROVIDING FOR PUBLICATION OF THE SAME.

STAFF REPORT: Comptroller Vonnie Jensen explained that Idaho law requires that the City Council approve an appropriations ordinance each year. The purpose of the ordinance is to establish a ceiling for expenditures and disclose the potential property tax revenue necessary to balance the budget. The financial plan or budget is the guide and detailed report for establishing these numbers. The Financial Plan is an estimate of revenues and expenditures for the upcoming year. The expenditures are classified by department as well as by fund or service, and the revenues are classified by source. Included in the budget document pursuant to Idaho Code § 50-1002 are actual revenues and expenditures from the prior two (2) fiscal years, budgeted revenues and expenditures for the current fiscal year, and proposed revenues and expenditures for the upcoming fiscal year. The revenue includes \$27,114,123 in property tax revenue – an increase of \$2,560,166 over the previous year. The increase comes from the closing of the Lake Urban Renewal District and new growth throughout the rest of the City. Therefore, she requests Council approval to set the public hearing date and set the high dollar amount of \$123,852,624 in expenditures for the 2022-2023 Fiscal Year Financial Plan (Annual Appropriation). She noted that the City has not yet received new growth numbers from the County. The resolution does

include the 3% and estimated new growth to account for what the County may provide. She explained that the City is expecting less funds with the Urban Renewal District closure and the citizens would receive a \$1 Million return from the district closure.

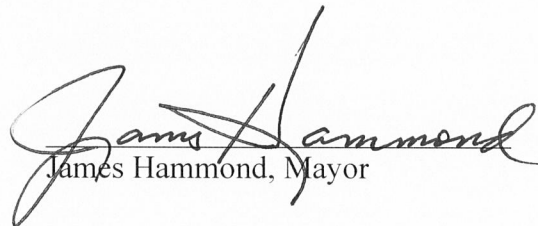
DISCUSSION: Councilmember Miller asked if the remaining ARPA dollars have been earmarked or can it be moved to other uses. Ms. Jensen clarified that it is completely undesignated other than the Police Department project. Councilmember Wood asked if the funds could be used to fund some of the capital requests in order to free up other money for personnel. Councilmember English asked if there were other Federal funds coming in the future. Ms. Jensen noted that she heard there were some funds going to the state for water and wastewater projects, but doesn't know of any for local governments. Councilmember Gookin wanted to clarify that the remaining ARPA money should be spent at Council's discretion. Councilmember Miller noted that future housing projects could get more points on grants if there are some ARPA funded matching funds.

MOTION: Motion by McEvers, seconded by Miller, to approve **Resolution No. 22-036**, Setting the Preliminary Budget for 2022-2023, in the amount of \$123,852,624, and Scheduling a Public Hearing for September 6, 2022.


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

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

The meeting adjourned at 8:29 p.m.


James Hammond, Mayor

ATTEST:


Renata McLeod
City Clerk