

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

July 18, 2023

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 July 18, 2023, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

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

ANNOUNCEMENTS: Councilmember Gookin reminded the public that KMPO would be hosting a Regional Transportation Management Center forum on August 3, at 5:30 p.m. in the Library Community Room. Councilmember McEvers thanked the Streets and Engineering Department's painting crew for their great work with getting the lines repainted on the streets.

CONSENT CALENDAR:

1. Approval of Council Minutes for the July 5, 2023, Council Meeting.
2. Approval of the General Services/Public Works Committee July 10, 2023, Meeting Minutes.
3. Setting of the General Services/Public Works Committee meeting at noon on July 24, 2023.
4. Approval of Bills as Submitted.
5. Approval of Financial Report.
6. Approval of an Outdoor Eating Facility Encroachment Permit for Revival Tea Company, 201 N. 1st Street #101, Drew Henry.
7. **RESOLUTION NO. 23-055-** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: CHANGE ORDER #1 WITH K&N ELECTRIC MOTORS, INC., FOR THE TRICKLING FILTER PUMP REHABILITATION PROJECT, IN THE AMOUNT OF \$105,128.00; CONTRACT WITH BIG SKY CORPORATION, FOR THE I-90 WATER LINE LOOP REPLACEMENT TO FERNAN VILLAGE PROJECT, IN THE AMOUNT OF \$89,307.00; AMENDMENTS TO THE CITY'S RECORDS RETENTION MANUAL AND DESTRUCTION SCHEDULE; DESTRUCTION OF RECORDS FOR THE POLICE, MUNICIPAL SERVICES, LEGAL, AND HUMAN RESOURCES

DEPARTMENTS, PURSUIT TO THE CITY'S RECORDS RETENTION SCHEDULE;
AND AGREEMENT WITH DIMENSIONS HEALTH GROUP, LLC, TO MAKE
FRONTAGE IMPROVEMENTS ON N. SCHREIBER WAY.

MOTION: Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including Resolution No. 23-055.

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

PUBLIC COMMENTS:

Nick Goodwin, President of Lake City Employees Association (LCEA), said he and Vice President Jason Hendricks were involved at the negotiation meetings and have brought a number of LCEA employees tonight to demonstrate support of the Council and solidarity of the LCEA. He thanked Council for their leadership and service, and asked for their support of the labor contract they would be discussing later during the Executive Session portion of the meeting.

Mayor Hammond said City employees were important and he and the Council appreciated all the work they did on behalf of the City. He said he hoped the contract could be completed quickly and to everyone's satisfaction and that once negotiations were completed that employees would feel as valued as he and Council felt they were.

RESOLUTION NO. 23-056

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A CONTRACT WITH NATIONAL NATIVE AMERICAN CONSTRUCTION, INC., D/B/A NNAC, INC., FOR THE PUBLIC TRANSIT SIDEWALK ACCESSIBILITY PROJECT IN AN AMOUNT NOT TO EXCEED \$318,385.00.

STAFF REPORT: City Engineer Chris Bosley requested the Council approve the contract with National Native American Construction, Inc., d/b/a NNAC, Inc., for the Public Transit Sidewalk Accessibility Project. He explained the funding was being provided by the Federal Transit Administration (FTA) through the Idaho Transportation Department (ITD), and the City of Coeur d'Alene was given the opportunity to eliminate gaps in the sidewalk network near transit routes. He said two (2) bids had been received with Interstate Concrete and Asphalt bidding \$383,387.60, and NNAC, Inc., submitting the low bid of \$318,385.00. He noted \$329,999 in funding was available to complete the project, which required a 20% match by the City for the grant funding, which may be in the form of in-kind services. He said the Streets & Engineering Department and the Parks Department were partnering on the project to complete the shared-use path near the Riverstone Transit Center, from Riverstone Drive to the Prairie Trail, as the match. He mentioned that approval of the contract would allow NNAC, Inc., to begin work and eliminate several gaps in the City's sidewalk network, creating better connections to the transit route. He presented the sidewalk accessibility plan set which showed the areas in City rights-of-way which improvements would be made.

DISCUSSION: Councilmember Wood noted it was a challenge for people with disabilities to traverse area sidewalks and thanked Mr. Bosley for choosing the locations. Councilmember Gookin asked what had happened to the proposed Northwest Blvd. to Riverstone Drive improvement project, with Mr. Bosley responding the project's bids which were received had been too high and the City had returned the grant funds. Mr. Bosley said that since that time, some sidewalks had been filled in and the last gap remaining was located between the two existing hotels. Councilmember Gookin said he has a problem with pulling staff from existing projects, such as street improvements, in order to complete in-kind projects. Councilmember English said the proposed improvement areas were great projects and it would be nice to have a terrace trail from Winco to the apartments in the future. Councilmember McEvers asked why development didn't fill in the sidewalk gaps, with Mr. Bosley responding when pulling a building permit, they would be required to install/improve sidewalks yet this project would speed up improvements in targeted areas. Councilmember McEvers noted the Seltice Way bus stop addition was in high traffic impact area, with Mr. Bosley responding there were pros and cons to the location, and pull-outs were costly and sometimes a challenge for buses to pull out. When buses stop in the street traffic may back up, yet once the bus was full it could pull right out. Councilmember Gookin stated he continued to have concerns with pulling resources from one project to another to fulfill the in-kind requirement. Mr. Bosley said the path segment had been planned by the City since the Transit Center was built.

MOTION: Motion by English, seconded by Wood, to approve **Resolution No. 23-056** – Approving a Contract with NNAC, Inc., for the Public Transit Sidewalk Accessibility Project.

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

RESOLUTION NO. 23-057

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE COEUR D'ALENE DOWNTOWN ASSOCIATION, INC., ("DTA") FOR THE ANNUAL STREET FAIR.

STAFF REPORT: Municipal Services Director Renata McLeod requested the Council approve the Memorandum of Understanding (MOU) with the Downtown Association (DTA) for the upcoming Street Fair Event scheduled for August 4, 5, and 6, 2023. She explained that at the July 19, 2022, Council meeting, Council requested staff begin looking at options of entering into agreements for some of the large special events held in the City. She noted agreements allowed the City to negotiate with the event sponsor to take on additional responsibilities such as providing volunteers to man non-emergency intersections, placement of no-parking signs, use of certified flaggers, and payment in addition to the general fees. She said the Street Fair was an annual event which coincided with The Taste of Coeur d'Alene in City Park, and Art on the Green at the North Idaho College (NIC) Campus. She said The Taste of Coeur d'Alene was regulated through the Parks Department and was hosted by Panhandle Kiwanis; Art on the Green was a NIC event, unregulated by the City. She explained the proposed agreement with the DTA was coming before the Council individually. She said negotiations had resulted in clarification of the volunteers needed for traffic control at 3rd Street and Sherman Avenue, as well as a four-way stop at 2nd Street

and Lakeside Avenue to aid in traffic flow and safety. She said that additionally, the MOU clarified roles and responsibilities so there were no questions on the days of the events. She noted the Streets and Engineering Department had crafted the Traffic Safety Plan (Plan), which would remain the Plan for years to come. She noted the Plan satisfied the requirements of the Manual on Uniform Traffic Control Devices (MUTCD). She said that Staff envisions one (1) future Master Agreement for all events that were sponsored by the DTA after working through each event this season and creating the Traffic Control Plans for each event. She said the fee included under the MOU was \$1,800.00, with a \$1,000.00 security deposit, in compliance with the approved fee resolution. She explained there were some legal restrictions regarding covering event costs, including that the fee must be reasonably related to actual costs and cannot be higher than actual costs for the actual event. When there was a controversial political message which might offend a hostile crowd, it was unconstitutional to add to the fees anyone else must pay. Furthermore, a fee that was based on the content of the message violates the First Amendment. She said that while there were additional costs to City departments with the Street Fair, it was difficult to separate expenses for the three-day event separate from the other two (2) events that were being held during the same timeframe. She noted the DTA had provided a cost breakdown with approximately \$19,000 in expenses, and an estimate of volunteer hours with a value of \$1,800, to total \$20,800. She noted the following were City costs associated with last year's three (3) events (event coverage was not divided between all three events): All wages and benefits for the Fire, Police, Streets, and Parks Departments were the full-day costs of \$136,021 and included \$27,339 in overtime costs. She recommended Council approve the MOU with the DTA for the Street Fair Event scheduled for August 4-6, 2023.

DISCUSSION: Councilmember Evans asked if the police officers' overtime was decreasing over last year with our trained flaggers, with Ms. McLeod responding DTA was training volunteers to take over some of the traffic control duties that are usually contracted out, so it would not affect the police overtime costs. Councilmember McEvers asked for an explanation of the difference between the cost of City services and amount of the permit, with Ms. McLeod responding permit fees were based on the City's fee structure and the expenses were shown for City costs of covering the three (3) events. Councilmember Gookin said the Council had asked that event fees be looked at for each event and permit costs be adjusted in order for the event sponsor to cover the costs and not the taxpayers, and asked what had been the DTA's fees for previous events, with Ms. McLeod responding in previous years the 1st day was \$750, and days two and three were each \$300. She said the fees this year were \$750 for day one and two, and \$300 for the third day. Councilmember Gookin said he would like to see the impact study to see what the merchants grossed on the events. Chloe Linton, Events Coordinator with the DTA said downtown businesses were given a free booth space and many commented the event was one of the best and beneficial events for their businesses. Councilmember Wood said she had spoken with a local food business who said the event created a lot of competition and asked if there were plans for an existing business only event, with Ms. Linton responding the layout of the event is done so that competing businesses were not grouped together and they could look at such an event in the future.

MOTION: Motion by Wood, seconded by English, to approve **Resolution No. 23-057** – Approving an Agreement with the Downtown Association (DTA) for the Street Fair Event to be held August 4, 5, and 6, 2023.

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

COUNCIL BILL NO. 23-1007

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, BY AMENDING MUNICIPAL CODE SECTION 2.85.030, ENTITLED "HISTORIC PRESERVATION COMMISSION"; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

STAFF REPORT: Community Planning Director Hilary Patterson requested Council adopt amendments to Chapter 2.85, Section 2.85.030, of the Municipal Code regarding members of the Historic Preservation Commission (HPC). She explained Council had adopted the Historic Preservation Code and formed the new HPC in 2019, initially having had three (3) members who also served on the Kootenai County Historic Preservation Commission. She said since that time, it had become difficult to have more than one (1) HPC member serve on both commissions. She mentioned that the current members of the City's HPC had asked that a representative from the Coeur d'Alene Tribe serve on the commission. The Coeur d'Alene Tribe was contacted to see if they would have a representative that was available and interested in serving, and a representative was appointed by the Council on January 3, 2023. However, it was discovered shortly after an orientation meeting with the individual that the Municipal Code did not allow them to serve on the HPC as they did not reside in Kootenai County. They were informed that the appointment was invalid and the commission has had a vacancy for the past seven months. She said staff had discussed the matter with the City Attorney, City Administrator, and HPC to determine what other changes should be made to the Municipal Code to allow for commission members to live outside of Kootenai County if they were qualified and represented a partner organization, and also to allow for the Mayor to request the appointment of a member outside of the County if no other qualified persons residing within Kootenai County were willing to serve. She noted the amendments, if adopted, would 1) allow commission members to live outside of Kootenai County provided they represent an organization that has a vested interest in Coeur d'Alene's historic preservation, such as the Museum of North Idaho, The Coeur d'Alene Tribe, and local higher education institutions, 2) allow commission members to live outside of Kootenai County if no qualified persons residing in the County are willing to serve, 3) reduce the minimum number of commission members who are also serving on Kootenai County's Historic Preservation Commission from two (2) to one (1). She noted the HPC voted unanimously on June 8, 2023, to recommend adoption of the amendments by the Council. She said the amendments would not change the requirement of the City's HPC to maintain its Certified Local Government requirements of having at least two (2) members who meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards as set out in the Federal Register, Vol. 62, No. 11, dated Friday, June 20, 1997 and include a member or members who have professional training or experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, conservation, landscape architecture, law, or other historic preservation-related disciplines, as those important provisions would remain intact.

DISCUSSION: Councilmember English said he had reservations with appointing someone from out of state and that being an Idaho resident should be required. Councilmember Gookin said he understood how a Tribe member may not live in Kootenai County and asked why language didn't simply say a member of the Tribe, with Ms. Patterson responding it would allow for more viable options for commission members. Councilmember Gookin asked if removing the last sentence of Section 1-B would grossly affect the purpose, with City Attorney Randy Adams responding it would not as it was a provision to add flexibility in filling a vacancy. He said all appointments would still have to be approved by Council. Ms. Patterson explained there weren't a lot of people who held the specific state criteria in order to be a commission member. Councilmember McEvers asked if it was difficult to find commissioners, with Ms. Patterson responding they didn't receive very many applications for vacancies, and it was the Commission's desire to have a member of the Coeur d'Alene Tribe as a member. Councilmember Miller said the Historic Preservation Commission had a lot of discussion on the subject, and yet there wasn't a lot of seats open on the commission. She said it was important to get the word out and solicit good people to fill future seats and that the out of state language was to provide flexibility and solicit highly qualified professionals for the commission.

MOTION: Motion by Gookin, seconded by McEvers, to dispense with the rule and read Council Bill No. 23-1007 once by title only.

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

MOTION: Motion by Gookin, seconded by McEvers, to adopt Council Bill No. 23-1007, striking the last sentence of Section 1, Article 2.85.030 B. "Additionally, if no qualified persons residing within Kootenai County are willing to serve, the Mayor may appoint members who reside outside of Kootenai County."

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

EXECUTIVE SESSION: Pursuant to Idaho Code 74-206A (a) Considering a Labor Contract Offer or to Formulate a Counteroffer.

MOTION: Motion by McEvers, seconded by Gookin, to enter into Executive Session pursuant to Idaho Code Idaho Code 74-206A (a) Considering a labor contract offer or to formulate a counteroffer.

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

The City Council entered Executive Session at 6:44 p.m. Those present were the Mayor, City Council, City Administrator, Human Resource Director, and the City Attorney. Council returned to regular session at 7:14 p.m.

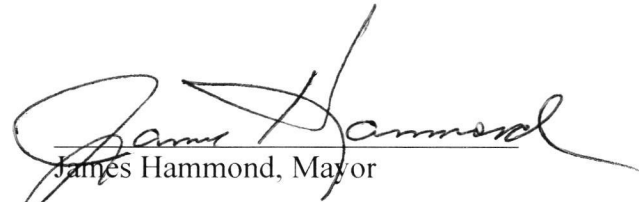
ADJOURNMENT: Motion by English, seconded by Wood, that there being no other business this meeting be adjourned. Motion carried.

The meeting adjourned at 7:15 p.m.

ATTEST:



Sherrie L. Badertscher
Executive Assistant



James Hammond, Mayor