

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

December 20, 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 December 20, 2022, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

INVOCATION: Pastor Tyler Morton with the Church of Jesus Christ of Latter-Day Saints gave the invocation.

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

AMENDMENTS TO THE AGENDA: Motion by Gookin, seconded by Wood, to add an action item after Executive Session for the Approval of wage increases for fiscal year 2022-2023 and amendments to the Personnel Rules regarding call-out pay benefit, supervision, and the HRA benefit. **Motion carried.**

ANNOUNCEMENTS:

Councilmember Miller gave recognition to Knutson Chevrolet for their donation of \$25,000 to the Library Foundation for the children's library improvements.

Councilmember Gookin noted that cars parked on the street that have been abandoned are causing problems with snow removal and cause roadway congestion. He thanked the police and code enforcement for working with the Street Department to cite cars in the most congested areas. Councilmember English noted that he has experienced the street congestion due to parked cars and appreciates people moving vehicles for the plows. Captain Hagar noted that they have received any complaints regarding porch pirate incidents. He also thanked the community for reporting suspicious activity when they see it. He noted that Part 1 crimes are down, noting since 2014 they have gone down 65%.

Mayor Hammond requested the appointments of Alexandria Marienau, and Anneliese Miller to the Historic Preservation Commission.

MOTION: Motion by Miller, seconded by McEvers, to appoint Alexandria Marienau, and Anneliese Miller to the Historic Preservation Commission. **Motion carried.**

CONSENT CALENDAR:

1. Approval of Council Minutes for the December 6, 2022 meeting.
2. Approval of Bills as Submitted.
3. Approval of Financial Report.
4. Setting of General Services/Public Works Committee meeting for Tuesday, December 27, 2022, at 12:00 noon.
5. Approval of the Annual Road and Street Financial Report for the fiscal year ending September 30, 2022.

DISCUSSION: Councilmember Wood asked for clarification regarding the parking fund amount of \$309,223 noted on the financial statement, with Mr. Tymesen explaining that it is an annual adjustment from the revenue from Diamond Parking and since it is an enterprise fund the dollars stay within that fund. He noted that the outgoing expenses are \$210,000, which go toward maintenance and equipment for parks. Councilmember Wood asked about the odd amount going to the homeless trust fund, with Mr. Tymesen noting that these are donations from utility bills and are dispersed on a regular bases to local non-profits. Councilmember Wood asked about the ARPA funds balances and the timeframe for using those funds, with Mr. Tymesen noting that approved expenditures will be paid as invoices come in. Councilmember Gookin noted that in looking at the Police and Fire percent of expenditures it appeared high and wondered if it was due to wage increases. Mr. Tymesen confirmed that while the pay increases were approved, the budget will be amended formally at year end. Councilmember Gookin noted that the engineering/professional services amount noted in the Annual Streets Roads Report seemed high enough to pay for a staff position. Mr. Tymesen noted that there may not be the qualifications for all engineering needs to hire one (1) employee.

MOTION: Motion by McEvers, seconded by Miller, to approve the Consent Calendar as presented.

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

PUBLIC COMMENTS:

Ron McGhie, Post Falls, said he was a member of the Huetter by-pass group and in their last meeting they were considering moving the rest area to the state line. The Coeur Terre project has property north of the area and they will continue discussion. He noted that he drew a line from the rest area through Coeur Terre to show the concern about the density and height of buildings in an effort to protect Huetter. He submitted documents to further his points.

John Pulsipher, Coeur d'Alene, presented an award of appreciation for opening up the invocations to the Mayor and Council. He noted a statistic from the U.S. Department of State which finds that 74% of the World population lives under serious restrictions on religious freedom. He stated that the Mayor and Council have recognized that the City is a place of a diverse community and they demonstrate that value and contributions of all. He presented a Defense of Religious Freedom Award on behalf of Innerfaith CDA, Baha'i CDA, Community United Methodist Church, Sravasti Abby, and the Church of Latter-Day Saints.

Justin O'Connell, Coeur d'Alene, spoke in regards to the Comprehensive Plan, noting that the city of Huston's method of zoning resulted in a 10% less cost of living. He noted the Council and Mayor salary discussion and methods of covering the cost.

Suzanne Knutson, Coeur d'Alene, read a letter on behalf of her neighbor Don Webber, who lives on Arrowhead Road, noting the neighborhood has shared concerns about the Coeur Terre development. The neighborhood would like language in the development agreement to control growth. The letter noted that the apartments located on Atlas and Seltice Way do not follow the comprehensive plan and has blocked views of the river, and the recently approved density increase for the River's Edge includes 4-story buildings over 50 feet high that will further block the river view. He encouraged Council to not allow traffic through Nez Pierce, Arrowhead, Appaloosa and Woodside, as they are a heritage neighborhood.

Rob Knutson, Coeur d'Alene, express concern of Coeur Terre impacts to their neighborhood and implored the Council to consider the impact to their neighborhood and existing residents.

Mike Gridley, Coeur d'Alene, stated that he worked for city over 20 years and participated in over 500 public meetings, he expressed support of the increase in salaries for public officials, as they put in so many hours. Additionally, he noted that NIC Trustees have put the existing President on administrative leave, which includes that he is still getting paid, meanwhile proposing to hire an Interim President at a cost of \$180,000 a year. Additionally, they have hired an attorney at \$325.00 per hour, which equals \$32.50 for every 6 minutes. He encouraged tax payers to say "stop wasting our money" by contacting Board of Trustee members and to connect with the Kootenai County Republican Central Committee and ask that they support fiscal conservatism.

Ronda Bowling, Coeur d'Alene, stated she lives in Indian Meadows and is in support of their neighbors asking to preserve their existing streets as they are today. She noted that traffic on Seltice Way is already over-congested and expressed concerns with the traffic coming into their neighborhood.

Patrick Wilson, Coeur d'Alene, lives in Indian Meadows neighborhood and is opposed to development at the expense of the existing neighborhood. Arrowhead Road was originally planned to be a dead-end road and is now proposed for an elementary school. He expressed concerns with increased traffic, noting it would destroy the character of the neighborhood. He proposed moving the access to Huetter Road. He hasn't seen a traffic study, but believes it would indicate ten times more traffic.

Debra Wilson, Coeur d'Alene, noted she is a homeschooling mom and has lived in Indian Meadows over the past five (5) years. They love the character of the neighborhood, in which people ride horses and walk their pet ducks. She expressed concern that the Planning Department is not asking the future residents of Coeur Terre to bear the burden of the development; rather, it is asking the residents of Indian Meadows to bear that burden.

Ellen McNeely, Coeur d'Alene, noted that she has lived on Woodside Avenue since 1994. She spoke about their street being a through route to Huetter, noting that due to the "S" curve of the street there have been several auto accidents from people not being able to navigate that curve. She expressed concern with the use of an already dangerous road for more traffic.

Councilmember Wood asked if the Council will have an opportunity to spend more time on this subject before it comes before Council for a decision and suggested a workshop.

Councilmember Gookin noted due to ex-parte communication they would not be able to do an individual site visit but would like to see if they could schedule a group site visit.

Councilmember Miller noted that there has been many conversations on this subject and thanked the public for being thoughtful, civil, and considerate in their public comments.

COUNCIL BILL NO. 22-1015

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, IDAHO, GRANTING A NON-EXCLUSIVE FRANCHISE TO FATBEAM, LLC, TO CONSTRUCT, OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM, WITH ALL NECESSARY FACILITIES, WITHIN THE CITY OF COEUR D'ALENE, IDAHO (THE "CITY"); SETTING FORTH THE PROVISIONS, TERMS AND CONDITIONS ACCOMPANYING THE GRANT OF THIS FRANCHISE; PROVIDING FOR CITY REGULATION OF CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF THE TELECOMMUNICATIONS SYSTEM; PRESCRIBING PENALTIES FOR THE VIOLATIONS OF ITS PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE.

STAFF REPORT: City Attorney Randy Adams noted that Fatbeam, LLC, was formed in 2010 as an Idaho Limited Liability Company. The Company obtained a franchise agreement from the City in 2011, allowing it to construct and maintain a fiber optic telecommunications system in the City's rights-of-way. Fatbeam operates as competitive access provider (CAP). The original franchise agreement and the proposed agreement are similar to City franchise agreements with other providers and would be for 10-year term. Over the last ten years, Fatbeam has seen continued growth in the Coeur d'Alene market. The Company has expanded its network footprint by 49 miles since its first customer, the Coeur d'Alene School District, signed on in 2012. Fatbeam delivers WAN and Dedicated Internet Access to the School District, surrounding commercial businesses, healthcare entities, other carriers (ISP's), and the City of Coeur d'Alene. The Company intends to bring top customer service and excellent WAN and DIA services to the entire community for years to come. Fatbeam will continue to pay the City five percent (5%) of its annual gross revenue in exchange for the use of the rights-of-way, the maximum allowed by law. In 2021, the franchise fees paid by Fatbeam to the City were approximately \$3,000.00. There would be some staff time involved in reviewing the location of their facilities and issuing

building permits as the system continues to expand, but this will not be a significant expense to the City.

DISCUSSION: Councilmember McEvers asked how much revenue was received 10 years ago in comparison to what we are getting now, with Mr. Adams responding that he is unsure; however, last year the City received \$3,000, which is 5% of their gross revenues.

MOTION: Motion by McEvers, seconded by Miller, to dispense with the rule and read **Council Bill No. 22-1015** once by title only.

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

MOTION: Motion by McEvers, seconded by Miller, to adopt **Council Bill 22-1015**.

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

COUNCIL DISCUSSION: REGARDING AN AMENDMENT TO MUNICIPAL CODE CHAPTER 2.72 ENTITLED "SALARIES OF ELECTIVE OFFICIALS."

STAFF REPORT: Municipal Services Director Renata McLeod noted that this is an item intended for Council discussion and to provide direction for staff regarding any proposed increases. She noted the last time there was an increase in the Mayoral salary was 2009 and Council salary was updated in 2017.

DISCUSSION: Councilmember Wood noted that she thinks it is important for these salaries to keep up with inflation, noting Council serves on many committees and attends many meetings and take on personal expense. She felt that an additional \$250.00 per month would help with the expense and still places the salaries below others in the state. Councilmember English felt the salaries should be increased annually, and that an objective measurement would be the Social Security COLA; which has been 30% since 2017. A 30% increase would place the Council salary at \$1,350.00 a month, which would be his proposal. Councilmember Gookin noted that the last time they discussed the item, the Mayor did not take an increase. Councilmember Wood felt that the Mayor position should be brought up to date and included in any future increases. Councilmember Miller noted that there was a long gap since the mayor salary was increased and believes there should be some rationale for the increase. There was a 3% COLA used for the Council salary in 2017, and suggested they follow a cost of living increase each year going forward. Mayor Hammond suggested bringing the Council salary up to where it ought to be and going forward adjust the salary to be the same as the staff COLA. Discussion ensued regarding the escalator rate and required Ordinance. Councilmember English recommended the Mayor salary to be increased to \$3,500/month. Councilmember Wood believes they are looking out for people sitting in the mayor and council seats in the future. City Attorney Randy Adams noted that the code shall be fixed by Ordinance, noting that there is no case law on this salary increase approach and suggested it be a specific amount. Councilmember McEvers noted that when he began in politics, he served on the Planning Commission as a volunteer and was excited when

they got served a pizza dinner in appreciation. He believes it is a pleasure to serve on Council with no other compensation, noting the benefit of glasses and hearing aids from medical coverage. Councilmember Miller noted that she often takes on expenses out of her own pocket and while it is a privilege to serve, she thinks it should be a reasonable cost increase.

MOTION: Motion by Wood, seconded by Gookin to direct staff to draft an Ordinance amending the code authorizing salary amendments to the Mayor and Council, commencing January 1, 2024 in the amount of \$250/month for Council, while bringing the Mayoral salary where it should have been since 2009 and increase it by an additional \$250 with an escalator of COLA as agreed upon for staff.

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

MOTION: Motion by Gookin, seconded by Wood to enter into Executive Session pursuant to Idaho Code 74-206 (j) To consider labor contract matters authorized under section 74-206A (1)(a) and (b).

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

The City Council entered Executive Session at 7:10 p.m. Those present were the Mayor, City Council, City Administrator, Human Resource Director, and the City Attorney. Council returned to regular session at 7:47 p.m.

MOTION: Motion by Gookin, seconded by McEvers, to approve an increase to Deputy Fire Chief on-call pay by 132 hours annually.

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

MOTION: Motion by Gookin, seconded by McEvers, to approve an additional three percent (3%) wage increase for the Police Captains effective October 1, 2022.

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

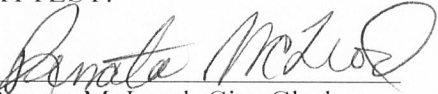
MOTION: Motion by Gookin, seconded by McEvers, to direct staff to work with Police Captains to negotiate a new MOU or move to the Personnel Rules within the next 60 days.

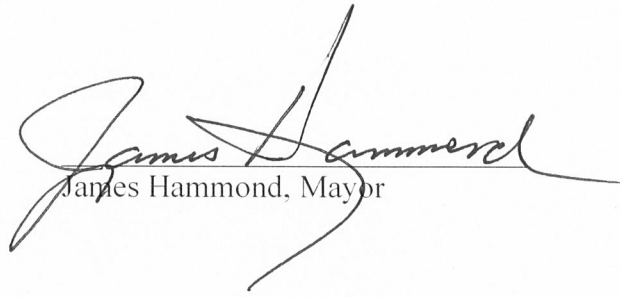
ROLL CALL: McEvers Aye; Gookin Aye; English Aye; Wood Aye; Miller Aye. **Motion carried.**

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

The meeting adjourned at 7:52 p.m.

ATTEST:


Renata McLeod, City Clerk


James Hammond, Mayor