

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

June 7, 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 June 7, 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)	
Amy Evans)	
Christie Wood)	
Kiki Miller)	

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

INVOCATION: William Muck of The Crossroads Community Church led the invocation.

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

AMENDMENTS TO THE AGENDA:

MOTION: by Gookin, seconded by Wood, to pull item I-1- Resolution 22-025- Establishing Policies for Public Comments and Motions. **Motion carried.**

DISCUSSION: Mayor Hammond stated he was in support of removing the item from the agenda and would like to keep the current practice. Councilmember Miller asked if there would still be a policy, with Mayor Hammond responding they would continue the sign-up sheet, allow three minutes to make comments, and would ask for commenter's full name, but no address. Councilmember English said he thought there needed to be rules or structure in relation to public comments, and would like to have a discussion to draft appropriate guidelines. Councilmember Gookin stated the public had a right to speak at meetings, and the Mayor had ability to run the meetings. Councilmember Miller stated the issue had come to light due to the different ways the public was making comments. She would like a courteous set of guidelines in regard to public comment and to ensure those who wished to speak at meetings would have the opportunity to do so.

PUBLIC SAFETY ANNOUNCEMENT: Police Chief Lee White stated the Parks Department had received many questions regarding why certain groups were allowed to have their events. He said the Police Department respects the Constitutional Rights of citizens to peacefully assemble

and the right to bear arms. He said over the past several weeks there had been a lot of information and disinformation surrounding the events taking place downtown on June 11, 2022. He said neither the Department nor their law enforcement partners have any verifiable information that groups are coming to the area to engage in riotous conduct. While there have been some videos and posts that may be concerning to some individuals, none of the information they have seen thus far rises to the level of criminal conduct. It is their understanding that the majority of attendees were planning for a peaceful gathering. He said they strongly encourage the public to call 911 if they witness a criminal act, or to report concerning activity to the officers who will be patrolling the area as criminal activity would be strictly enforced. Chief White encouraged everyone to remain respectful of one another and have a safe weekend.

Councilmember Wood stated she appreciated the work of the Police Department and their efforts to keep the City safe.

PROCLAMATION - Mayor Hammond proclaimed June 16, 2022, as Kiwanis Club 100th Anniversary with Angela Erickson of the Kiwanis Club accepting the proclamation. Ms. Erickson thanked the Mayor and Council for the proclamation and noted on June 16 the Kiwanis Club would celebrate 100 years of great work in the community.

ANNUAL AUDIT REPORT FOR YEAR ENDING SEPTEMBER 30, 2021 - Toni Hackwith, Anderson Brothers, CPAs gave an overview of the annual audit conducted for fiscal year 2021-2022. Ms. Hackwith stated the audit was required by Idaho State Statues and the primary purpose was to assure financial statements show a fair representation of the City's financial position as of a date certain. She gave an overview of the General Fund revenues, expenditures, and fund balances for the years 2017-2021 to demonstrate trends. She explained why the General Fund reserve balance was important and mentioned the Government Finance Officers Association recommended a minimum of no less than 60-days of regular General Fund operating revenues remain unassigned in the General Fund. She stated the Water Fund showed a revenue increase of 19% over the prior year, with operating expenses increasing by 2%. She said the Wastewater Fund showed a 13% increase in revenues and a 2% increase in operating expenses over the prior year.

DISCUSSION: Councilmember Gookin asked in regard to the reference of 2.3% inflation rate for the pension plan, with Ms. Hackwith responding PERSI set the inflation rate on pensions and questions should be addressed to them. Councilmember Gookin asked for clarification of the Urban Renewal District's (URD) not having a deposit policy for custodial credit risk, with Ms. Hackwith responding the URD didn't carry an insurance policy for funds over a bank's insured limit. Councilmember Gookin asked if it applied to the State pool, with City Administrator Troy Tymesen responding the City did have a policy, clarifying that the URD did not. Councilmember Gookin asked for confirmation that the 2017 Series Bond would be paid-off before the URD closed later this year, with Mr. Tymesen responding in the affirmative. Councilmember Wood thanked Ms. Hackwith for her and City staff's work on the audit, and asked that staff bring the discussion of the Unassigned Fund Balance of General Fund Operating Revenues to the next budget meeting.

PUBLIC COMMENTS:

Deborah Rose, on behalf of Mike Hangler, Coeur d'Alene, stated he was in favor of continuing invocations and would encourage inclusivity in doing so.

Deborah Rose, Coeur d'Alene, stated she was opposed to having a singular pastor in charge of scheduling invocations.

Heather Seman, Coeur d'Alene, stated she was in favor of continuing meeting invocations.

Mathew Sherman, Post Falls, stated he was in favor of continuing meeting invocations.

TJ Farrell, Athol, stated he was in favor of continuing meeting invocations led by Christian based groups.

Mike Grabenstein, Coeur d'Alene, stated he was in favor of continuing meeting invocations or recognizing a moment of silence to reflect.

Bill Muck, Coeur d'Alene, stated he was in favor of continuing meeting invocations led by Christian based groups.

Summer Bushnell, Post Falls, stated she works on elections and had issues with City code enforcement as to where easements ended for sign placement. She said she used County mapping and was hoping for resolution as she would be encountering the issue twice a year.

Roby Emerson, Coeur d'Alene, stated he was in favor of continuing meeting invocations.

Dave Walker, Coeur d'Alene, stated he was opposed to continuing meeting invocations.

John Pulsipher, Coeur d'Alene, stated he was in favor of continuing meeting invocations and hoped when giving public comments people would stand on their integrity. He was opposed to the dock proposal by the Harbor Center.

Justin O'Connell, Coeur d'Alene, shared his thoughts on many worldwide issues.

Mike Gridley, Coeur d'Alene, stated he was opposed to continuing meeting invocations in the interest of meeting efficiency.

Dr. Arthur Valadez, Coeur d'Alene, stated he was in favor of continuing meeting invocations, and the friendly separation between state and church.

Jeremy Morris, Hayden, stated he was asking for transparency from the Council.

Cecil Kellie, Coeur d'Alene, stated he was in favor of continuing meeting invocations and including all faith groups.

Tim Saint, City, Coeur d'Alene, stated he was in favor of continuing meeting invocations.

Randy Neal, Coeur d'Alene, stated he wished to thank Council for removing restrictions on public comments including the address requirement. He said he hoped the Police Department would not discriminate against either group on June 11, yet if there was any lewd behavior, he hoped it would be addressed.

Ben Cooper, Coeur d'Alene, stated events were cancelled due to Covid-19 and currently the monkey pox was much more dangerous. He requested the June 11, CDA Pride event be cancelled.

Linda Wolovich, Coeur d'Alene, stated she was in favor of continuing meeting invocations. She also asked how public comments could be more effective.

ANNOUNCEMENTS:

Councilmember Miller noted the Historical Society had partnered with the Coeur d'Alene Library to showcase the traveling Idaho Constitution July 13, through August 26 at the Nielsen room at the Library. She mentioned the Library was rolling out a library-of-things program which would allow patrons to check out non-book items such as small tools, metal detector, sewing machine, and many other items.

Mayor Hammond requested the appointments of Mike Wood to the Pedestrian and Bicycle Advisory Committee, and Jef Lemmon to the Design Review Commission.

MOTION: Motion by McEvers, seconded by Miller, to appoint Mike Wood to the Pedestrian and Bicycle Advisory Committee, and Jef Lemmon to the Design Review Commission. **Motion carried.**

DISCUSSION: Councilmember Wood clarified Mr. Wood was not any relation to her.

CONSENT CALENDAR:

1. Approval of Council Minutes for the May 17, 2022, Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for the May 23, 2022, Meeting.
3. Setting of the General Service/Public Works Committee Meeting for June 13, 2022.
4. Approval of Bills as Submitted.
5. Setting of a Public Hearing for June 21, 2022:
 - a. Community Development Block Grant (CDBG) Upcoming Annual Action Plan for 2022.
6. Approval of Nine (9) Firework Stand Permits for the 2022 Season.
7. Approval of the Outdoor Seating Permit for 2605 N. 4th Street, St. 105, Stylus Wine and Vinyl Bar; Owner Robert and Krista French.
8. Approval of a Cemetery Lot Repurchase: Robin Mikkelson, Section RIV, Block H, lot 539, Forest Cemetery Annex (Riverview).
9. **Resolution No. 22-024** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: CHANGE ORDER NO. 1 IN THE AMOUNT OF \$248,325.87, AND AMENDMENT TO THE CONTRACT WITH LARIVIERE, INC., FOR A NEW 18" WATER TRANSMISSION MAIN ALONG

THE CENTENNIAL TRAIL; AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH JEFF CROWE D/B/A BUNKHOUSE MEDIA REGARDING THE SCOPE OF SERVICES AND COMPENSATION; LEASE AGREEMENT WITH PAUL MASON FOR A MOBILE FOOD CONCESSION AT ATLAS MILL PARK; AND ACCEPTANCE OF A DONATION TO THE POLICE DEPARTMENT IN THE AMOUNT OF \$1,000.00 FROM ROBERT BLANSFIELD TO ASSIST WITH THE RECENTLY APPROVED DRONE PURCHASE.

MOTION: Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including **Resolution No. 22-024**.

DISCUSSION: Councilmember Gookin clarified item 9- Lease Agreement with Paul Mason for a Mobile Food Concession at Atlas Mill Park would be for \$5,000 each year.

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

RESOLUTION NO. 22-026

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE PROPOSALS OF AND APPROVING LEASE AGREEMENTS WITH KING MORTON, LLC, d/b/a HAYDEN LAKE PADDLE BOARD & JET SKI, FOR DOCK "A" AND KJ WATERSPORTS LLC FOR HARBOR CENTER DOCK "B" NEAR HARBOR CENTER

STAFF REPORT: Parks & Recreation Director Bill Greenwood requested Council approve the selection of vendors KJ Watersports, and Hayden Paddleboard & Jet Ski from the RFP selection committee, to build the docks and operate a water-based recreation facility for the public at the City owned property along the Spokane River near the Harbor Center. Mr. Greenwood said they advertised an RFP for the docks, received three (3) proposals, and the two (2) brought forward had scored the highest. Mr. Greenwood explained that the Third Street Boat Launch was one of the busiest boat launches in Idaho, and was extremely crowded with members of the public and water sport rental companies. The Parks and Recreation Department planned to reduce overcrowding on the Third Street Boat Launch by entering into an agreement with commercial businesses to build a pair of commercial docks and operate two (2) separate water-based recreation businesses on the Spokane River. Per the agreement, the businesses that were selected will each build a dock with 26 slips in the dock system at their cost. The highest scored business, KJ Watersports, would receive first choice on dock location and had agreed to a lease amount of \$30,000 per year paid to the City for use of the property. The second highest scored business, Hayden Paddleboard & Jet Ski, would receive the second dock space and had agreed to a lease amount to the City of \$20,000 per year. He said after the initial five-year period, the City would receive a minimum payment of \$30,000 per year for the dock for the next five-year period. The renewal of the leases were optional every five years.

DISCUSSION: Councilmember Wood stated the Parks and Recreation Commission were in favor of the dock proposals and easing congestion on the Third Street Boat Launch. The

Commission saw value in the commercial docks proposal and the revenue generated would assist with parks maintenance. She said everyone had a right to be on the water and hoped Council would seize the opportunity to give the public another option to get on the lake. Councilmember Miller stated she appreciated the efforts made developing the RFP. She asked if annual launch fees were collected from the commercial users, with Mr. Greenwood responding the launch fees were now self-service. She said her issue remained the congestion at Third Street Boat Launch as she felt more commercial users would take the place of those moved to the new docks. She asked if it was possible to eliminate the commercial traffic at the Third Street Boat Launch, with City Attorney Randy Adams responding the docks were for the public and the City could restrict commercial activity on public property. Councilmember Gookin asked what the year-over-year differences were in launch fees, with Mr. Greenwood responding the fees collected had gone down substantially. Councilmember Gookin said he felt this proposal would add additional traffic to the river. Councilmember English stated he was in support of the dock proposal and thought it was a great option for the community.

MOTION: Motion by Wood, seconded by English, to approve **Resolution No. 22-026**, approving Lease Agreements with King Morton, LLC, and KJ Watersports LLC, for the Construction and Operation of Commercial Docks located near the Harbor Center.

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

Mayor Hammond called for a five-minute recess at 7:53 p.m. The meeting resumed at 7:58 p.m.

COUNCIL DISCUSSION REGARDING INVOCATIONS

STAFF REPORT: City Attorney Randy Adams explained this item was brought forward to discuss whether or not Council wants to continue the practice of invocations before Council meetings and if so, what guidelines should apply. He explained that invocations before daily sessions of Congress had been the custom since 1789 with the very first Congress under the new Constitution. In 2014, the U.S. Supreme Court issued its opinion in *Town of Greece v. Galloway*, upholding the Constitutionality of invocations and prayers before public meetings in the face of a challenge that they violate the First Amendment. The Supreme Court also provided general guidelines for the delivery of invocations or prayers. The Court also held that it would not dictate the content of those prayers. He said governments must maintain a policy of nondiscrimination with regard to prayers or invocations, but they need not search beyond their borders for someone to deliver them. Further, unless the prayers demonstrate *a pattern over time* of denigration of other religions, proselytization, or the impermissible government purpose of establishing a religion, challenges based on the content of prayers “will not likely establish a constitutional violation.” He said the City’s current process for inviting person to give a prayer or invocation before City Council meetings is nondiscriminatory, and the guidelines developed by staff which prohibit the denigration of other religions and proselytization is consistent with Supreme Court precedent.

DISCUSSION: Councilmember Wood asked if a lottery system could be used to fill invocations, with Mr. Adams responding the City could do so. Councilmember Gookin asked Mayor Hammond to allow Pastor Paul Van Noy to address the Council. Pastor Van Noy said he had been

serving the City for many years and loved the City. He stated he had not turned people away and there were many denominations in the Kootenai County Ministerial Association. He wished to address the topic of invoking a spirit and said it could be a dangerous act and did not feel taking a moment of silence was a good option. He provided a letter to the Council and noted Council may be open to liability if they managed the invocation scheduling and requested the Kootenai County Ministerial Association manage the meeting invocation scheduling and offered to serve as the City's Chaplin without compensation. Councilmember Gookin asked Pastor Van Noy if he preferred Christian invocations, with Pastor Van Noy responding he did and that the ministerial association would take on the potential discrimination on behalf of the City, as they could discriminate. Councilmember Gookin stated the largest religious group in Kootenai County were Mormon, with Catholic the second largest, and noted the City could not be discriminatory. Councilmember Wood asked City Attorney Adams to respond to Pastor Van Noy's comments regarding returning the scheduling to the Kootenai County Ministerial Association and the issue of discriminating against non-Christian religious groups. Mr. Adams responded the City would not be insulated from discrimination claims if scheduling was returned to the ministerial association or other group that discriminated for any reason. Councilmember English stated Council dealt with many topics in which they were not experts, but felt he could make a decision on the invocation item. He said he was in support of continuing the practice of invocations as they held value for the community. Councilmember Miller said she liked the lottery idea. She noted her education and understanding were that God hears prayers from wherever, whenever, and however they were prayed.

MOTION: Motion by Miller, seconded by Wood, to recommended that at the beginning of each meeting the Mayor invite the citizens of Coeur d'Alene, along with Council and staff, to join in a moment of silence as we ask for wisdom and guidance in the discussion and decisions that are before us.

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

DISCUSSION CONTINUED: Councilmember Miller noted it was a difficult topic and she wanted the opportunity to reflect. Councilmember Evans stated she believed there was no place in the community for any type of discrimination. Councilmember Gookin stated he was in opposition of the motion, as he wished to keep the invocations. Councilmember Wood stated she felt the motion was trying to honor everyone, yet she would like to see all requests honored for those who wished to give the invocation.

MOTION: Motion by Gookin, seconded by Wood, to continue the custom of invocations before Council meetings by incorporating a lottery system and allowing all established churches within Kootenai County the opportunity to give an invocation.

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

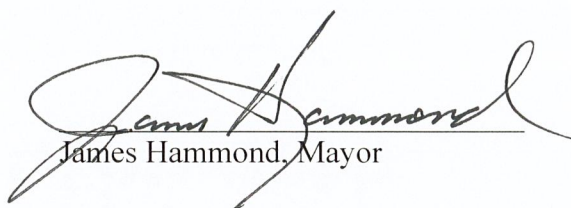
ADJOURNMENT: Motion by McEvers, seconded by Evans, that there being no other business, this meeting be adjourned. **Motion carried.**

The meeting adjourned at 8:42 p.m.

ATTEST:



Sherrie L. Badertscher
Sherrie L. Badertscher
Executive Assistant



James Hammond, Mayor