

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

September 7, 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 September 7, 2021, at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Amy Evans) Members of Council Present
Dan Gookin)
Woody McEvers)
Kiki Miller)
Christie Wood)
Dan English) Arrived at 6:04 p.m.

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

INVOCATION: Pastor Mark McWhorter with the Church of the Nazarene provided the invocation.

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

The Mayor proclaimed the week of September 17-23, 2021, as Constitution Week, which is celebrated nationally. He noted that September 17, 2021 marks the 234th anniversary of framing the constitution of the United States of America. The proclamation was accepted by Luella Elie Stillely; with the Lt. George Farragut Chapter of the Daughters of the American Revolution. She thanked the Mayor and Council for the proclamation.

PUBLIC COMMENTS:

Susan Snedaker, Coeur d'Alene, wanted to provide a comment on the annual budget prior to the hearing period. She believes this is the 19th time she has made budget comments and requests to the Council. Accomplishments noted include the Comprehensive Plan adoption prior to the end of the fiscal year and she asked when its contents will be disclosed as she believes this document will change the characters of the established neighborhoods. The plan notes that Core housing representatives were added to the process and she wondered who they are and what they are representing. Additionally, the CDA 2030 group is a non-profit whose books are not open to the public and she noted that she feels they have been given authority by the City which she believes makes it a shadow government. She noted that development impact fees have not been updated for 14 years. Mr. Tymesen stated that the city was waiting for the future Comprehensive Plan to be completed before they are updated. She also noted that years ago, the City approved a master plan for Person Field and only small improvements have been made. Year after year she asked when the remainder of the plan would be implemented. She requested that the Arts Commission

add a maintenance account, and hopes that the city would adopt a rotating sculpture garden. She feels that her commenting at hearings over the years are an exercise in futility, but are her responsibility as a citizen. After all these years, rarely does anyone else attend the meeting and comment on the budget. She hopes that by the next hearing the Council will ask more questions and make more efforts to get in touch with the public.

Don Mullan, Coeur d'Alene, spoke in support of assignment of the lease agreement for the seaplane. He noted that the 20th anniversary of September 11th is approaching and it reminds him how it has made airport access hard for kids and the public. Having a float plane at a public dock will help kids and adults see what aviation is like. He noted that there is a shortage of pilots and mechanics and this lease will help the public get interested in and understand more about aviation. He noted that Mr. Rogers has done a lot for the local aviation community by giving high school students education at the Hayden airport. Once the students get 10 hours of time in, the students get an actual flight time. Tourism is important to the community and this is a symbol of all outdoor activities.

ANNOUNCEMENTS:

Councilmember Miller stated the Historic Preservation Commission held a public open house and has submitted the plan to the state for review and they will be presenting it to the Council soon. The Regional Housing and Growth Issues Partnership group will be meeting on Monday, September 13, 2021.

Mayor Widmyer noted that the COVID situation is very unfortunate and we are at a point of critical care at Kootenai Hospital with 108 people in the hospital and 39 in ICU. He asked everyone to do their part to get through this.

CONSENT CALENDAR:

1. Approval of Council Minutes for the August 17, 2021, Council Meeting.
2. Approval of General Services/Public Works Subcommittee Minutes for August 23, 2021.
3. Approval of Bills as Submitted.
4. Setting of General Services/Public Works Committee meeting for Monday, September 13, 2021, at 12:00 noon.
5. Approval of a Cemetery lot repurchase:
 - a. Valerie Benecke, Lot 507, Block H, Section RIV in the Forest Cemetery Annex (Riverview)
 - b. Thomas and Kathleen Kurdy, Lot 09, Block 35, Section C of Forest Cemetery
 - c. Joyce Robinson, Lot 351, Block H, Section RIV, Forest Cemetery Annex (Riverview)
6. Final Plat Approval – SS-21-07 Wild Waters 1st Addition
7. Final Plat Approval – SS-21-08 Lucile Gardens
8. **Resolution No. 21-053 - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: CONSENT FOR TRANSFER OF CONTROL OF MOBILITIE, INC., TO BAI COMMUNICATIONS, PURSUANT TO MOBILITIE'S FRANCHISE AGREEMENT WITH THE CITY; AND AGREEMENT WITH NORTH IDAHO COLLEGE (NIC) TO PROVIDE SCHOOL RESOURCE OFFICER (SRO) SERVICES FOR SCHOOL YEARS 2021 – 2023.**

MOTION: Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including **Resolution No. 21-053**.

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

RESOLUTION NO. 21-054

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE ASSIGNMENT OF THE LEASE AGREEMENT WITH LUNT ENTERPRISES LLC FOR BAY 5 ON THE SOUTH SIDE OF THE CITY DOCK TO SCENIC ADVENTURE FLIGHTS LLC.

STAFF REPORT: City Administrator Troy Tymesen stated Brooks Seaplane had been leasing Bay 5 on the commercial dock and providing plane rides over the City of Coeur d'Alene's (City) region for over 30 years. He stated Shane Rogers was purchasing the business from Neil and Anne Lunt and wanted to carry on the tradition and is having a plan built for this service. Mr. Rogers had provided the City all necessary documents, including insurance, and is present to answer questions about assuming the lease assignment. He noted the City had an existing 5-year lease in place with Brooks Seaplane, commencing April 1, 2018, and ending March 31, 2023, and the lease allowed a five (5) year extension of the agreement if made in writing prior to September 1, 2022. He noted the assignment of the lease was for the remaining initial term, and the assignee would be entitled to request an extension. He stated the lease assignment did not change the terms of the original lease to Brooks Seaplane and that Mr. Rogers is available for questions.

DISCUSSION: Councilmember Miller questioned whether a lease can be sold as part of a business purchase, as there are no guarantees it would be extended. She also wanted to make sure the public was getting what they bargained for in regards to the plane size, flight school on the water, and night time flights. Mr. Tymesen noted that Brooks Seaplane was being sold with an SBA loan and there was a lot of review as to what would make good business sense including a lease. Mayor Widmyer clarified that the agreement would have language within the lease regarding assignments but the City would not be a party to the business negotiations. Mr. Gridley noted that it would be a business risk of the new owner that the lease may not be extended. Mr. Rogers noted that he does some aviation training at the airport in addition to the seaplane request. A sunset flight is the last flight of the day and they have to be down before the sun actually sets. He clarified that there have been sunset flights historically and so there will be no change in the flights offered. He will use the same flight pattern, flight schedule, and the same sized plane. He noted that there is a plane built in Sandpoint that would be cool to have in 10 years, but this current business is a monumental financial task, so he is unable to have the upgraded plane now. Over the past three months he has received calls daily from generations of families wanting to have a seaplane ride. He assured the Council that there will be no changes from the historical use. Councilmember Miller thanked him for clearing it up and believes it is a fabric of the community.

MOTION: Motion by Gookin, seconded by English, to approve **Resolution No. 21-054**, approving the Assignment of Lease Agreement from Neil and Anne Lunt d/b/a Brooks Seaplane Service, LLC, to Shane Rogers d/b/a Scenic Adventures Flights, LLC.

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

COUNTY CODE ADOPTION FOR SPOKANE RIVER AND ENFORCEMENT CONTRACT

STAFF REPORT: Mr. Tymesen stated the requested code amendments were a cleanup of the code which would help with the enforcement of the no boat area, speed limits, no wake zone, and the Sheriff's Department had jurisdiction in the waters and the code amendment would allow them to enforce the laws within the City's boundaries. He stated it was undisputed that wakes generated by watercraft damaged the shoreline and could negatively impact other users of the City's waters. He said the ordinance and new Law Enforcement Protection Contract would simply expand the area now patrolled by the County. Mr. Tymesen requested Council approval of the amendments to the Municipal Code to regulate vessel speeds on that portion of the Spokane River within the City limits, and approve the Law Enforcement Protection Contract with Kootenai County Sheriff's Office.

COUNCIL BILL NO. 21-1020

AN ORDINANCE AMENDING SECTIONS 4.20.010 AND 4.20.020(B) OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ESTABLISHING AND MODIFYING SPEED RESTRICTIONS ON THE SPOKANE RIVER WITHIN CITY LIMITS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Motion by Gookin, seconded by Evans, to dispense with the rule and read **Council Bill No. 21-1020** 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 21-1020**.

DISCUSSION: Councilmember Wood noted it would be nice to have our own lake law enforcement but believes this is a standard item.

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

RESOLUTION NO. 21-055

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A LAW ENFORCEMENT PROTECTION CONTRACT WITH KOOTENAI COUNTY TO PROVIDE LAW ENFORCEMENT SERVICES FOR THE PURPOSE OF ENFORCING CITY ORDINANCES WITHIN THE CITY ON THE WATERS OF COEUR D'ALENE LAKE AND THE SPOKANE RIVER.

MOTION: Motion by Evans, seconded by Miller, to approve **Resolution No. 21-055**, Approving an Agreement with Kootenai County for Law Enforcement Protection for portion of Lake Coeur d'Alene and the Spokane River to enforce City Ordinances.

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

RESOLUTION NO. 21-056

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN ADDENDUM TO THE CONTRACT BETWEEN THE CITY OF COEUR D'ALENE AND VERDIS FOR THE CONSTRUCTION OF THE FIRE BOAT GARAGE (STATION #5).

STAFF REPORT: Fire Chief Kenny Gabriel explained that the engineering for a class 4 building has been more in-depth than originally expected. They had to go outside the local area to develop a float system for the building. They hope this is the final cost and confirmed that they have funding authority from ignite cda. They need a new agreement with Verdis for this price and need to start ordering supplies.

DISCUSSION: Mayor Widmyer noted that the Fire Department has worked for a very long time on this and confirmed that extra measures are needed for a public safety building. Fire Chief Gabriel noted that they have an engineered system for the balancing of the building no matter what the lake level, which ended up being over \$100,000.00. Councilmember Wood asked what the life span of the building would be with Chief Gabriel noting that it is constructed out of metal and should last 50-60 years.

MOTION: Motion by Miller, seconded by McEvers, to approve **Resolution No. 21-056**, Approving an amendment to the Contract with Verdis for the construction of the Fire Boat Garage (Station #5) and spending authority of \$565,000.00 from Impact Fees and funds from ignite cda.

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

(LEGISLATIVE PUBLIC HEARING) ANNUAL APPROPRIATIONS FOR FISCAL YEAR 2021-2022 AND TO RESERVE THE RIGHT TO RECOVER THE CURRENT YEAR'S FORGONE INCREASE OF \$700,738.00.

STAFF REPORT: City Administrator Troy Tymesen noted that the proposed budget is brought forward as balanced and proposes zero percent property taxes. He noted the limited amount of years the City has taken any property tax increases. He reviewed the new construction amounts from 2015 forward, noting that due to the changes in the legislation this year, the new growth amount is substantially less than prior years. The estimated fund balance is \$8,544,422.00 at the end of the year, which is 18% of budgeted expenses, and is approximately three months of operating expenses. He noted that there is a \$1,255,578 increase in general fund revenue. He clarified that last year the City took one-time money and lowered property taxes directly to the property owner, which will now be recovered, resulting in the appearance of a tax increase. He reviewed expenses and noted the capital expenses proposed this year total \$539,840.00.

DISCUSSION: Mayor Widmyer noted that the legislators are talking about changes to the budget regulations, which would take it out of the hands from the localities. Since Boise has such a high fund balance, they want to restrict the fund balances throughout the state. He believes our citizens and voters should make those decisions and that we will see this come forward in January.

The Mayor opened the public comment portion of the hearing, and hearing none, closed public comment.

COUNCIL BILL NO. 21-1021

AN ORDINANCE ENTITLED "THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021" APPROPRIATING THE SUM OF \$109,700,500 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF COEUR D'ALENE FOR SAID YEAR; LEVYING A SUFFICIENT TAX UPON THE TAXABLE PROPERTY WITHIN SAID CITY FOR GENERAL REVENUE PURPOSES FOR WHICH SUCH APPROPRIATION IS MADE; LEVYING SPECIAL TAXES UPON THE TAXABLE PROPERTY WITH SAID CITY FOR SPECIAL REVENUE PURPOSES WITHIN THE LIMITS OF SAID CITY OF COEUR D'ALENE, IDAHO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene, Kootenai County, Idaho:

Section 1

That the sum of \$109,700,500 be and the same is hereby appropriated to defray the necessary expenses and liabilities of the City of Coeur d'Alene, Kootenai County, Idaho, for the fiscal year beginning October 1, 2021.

Section 2

That the objects and purposes for which such appropriations are made are as follows:

GENERAL FUND EXPENDITURES:

Mayor and Council	\$269,845
Administration	223,074
Finance Department	1,298,646
Municipal Services	2,221,228
Human Resources	434,882
Legal Department	1,313,540
Planning Department	714,518
Building Maintenance	702,899
Police Department	18,107,761
Fire Department	11,547,576
General Government	47,180
Streets / Engineering	5,170,563
Parks Department	2,617,467
Recreation Department	755,417
Building Inspection	1,004,364
TOTAL GENERAL FUND EXPENDITURES:	<u>\$46,428,960</u>

SPECIAL REVENUE FUND EXPENDITURES:

Library Fund	\$1,796,065
Community Development Block Grant	550,372
Impact Fee Fund	769,000
Parks Capital Improvements	465,460
Annexation Fee Fund	175,000
Cemetery Fund	414,040
Cemetery Perpetual Care Fund	166,500
Jewett House	26,353
Reforestation/Street Trees/Community Canopy	120,000
Public Art Funds	461,300
TOTAL SPECIAL FUNDS:	<u>\$4,944,090</u>

ENTERPRISE FUND EXPENDITURES:

Street Lighting Fund	\$658,900
Water Fund	12,306,910
Wastewater Fund	24,913,490
Water Cap Fee Fund	2,650,000
WWTP Cap Fees Fund	3,840,853
Sanitation Fund	4,562,297
City Parking Fund	1,718,619
Drainage Fund	2,121,738
TOTAL ENTERPRISE EXPENDITURES:	<u>\$52,772,807</u>

FIDUCIARY FUNDS:	\$3,276,235
STREET CAPITAL PROJECTS FUNDS:	1,400,000
DEBT SERVICE FUNDS:	878,408
GRAND TOTAL OF ALL EXPENDITURES:	<u><u>\$109,700,500</u></u>

Section 3

That a General Levy of \$22,051,829 on all taxable property within the City of Coeur 'Alene be and the same is hereby levied for general revenue purposes for the fiscal year commencing October 1, 2021.

Section 4

That a Special Levy upon all taxable property within the limits of the City of Coeur d'Alene in the amount of \$2,500,453 is hereby levied for special revenue purposes for the fiscal year commencing October 1, 2021.

Section 5

The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt there from.

Section 6

This ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation published within the City of Coeur d'Alene and the official newspaper thereof.

MOTION: Motion by McEvers, seconded by Gookin, to dispense with the rule and read **Council Bill No. 21-1021** once by title only.

DISCUSSION: Councilmember Gookin thanked the Mayor for all the work he has done over the years regarding the budget. He noted that although the City is taking a zero percent property tax increase this year, due to last year's tax reduction, it appears that there is an increase in taxes this year. Additionally, he believes the legislators should contact the local officials before making decisions. Mayor Widmyer noted that local governments talked a lot about assessments and the increase in the tax shift and were ignored by the legislators. Mayor Widmyer thanked

Comptroller Vonnie Jensen and her staff for all the work they have done over the years and noted that it is a team effort to put the budget together.

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

MOTION: Motion by McEvers, seconded by Gookin, to adopt **Council Bill 20-1021.**

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

RESOLUTION NO. 21-057

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, RESERVING THE RIGHT TO RECOVER THE FORGONE INCREASE IN THE FISCAL YEAR 2021-2022 BUDGET IN THE AMOUNT OF \$700,738.00, PURSUANT TO IDAHO CODE 63-802(1)(f).

STAFF REPORT: Mr. Tymesen noted that this resolution reflects new legislation that requires the passage of a resolution to add forgone taxes to a taxing authority, and this takes the City's forgone taxes to over \$7 Million. He explained forgone taxes are tax dollars that have not been taken by the City over the years.

MOTION: Motion by Wood, seconded by McEvers, to approve **Resolution No. 21-057**, Reserving the right to recover the forgone increase in the Fiscal Year 2021-2022 budget in the amount of \$700,738 pursuant to Idaho Code 63-802(1)(f).

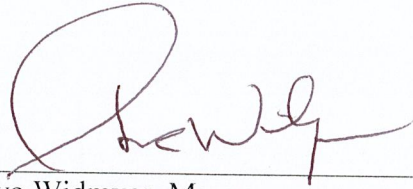
DISCUSSION: Councilmember Gookin stated that he will vote against this and that he voted for it last time as he was unsure what money we were receiving from the government and if we would need to have the tax authority. He believes this could be held over the tax payers and he doesn't believe they understand they have this obligation that the City could go after, although that would likely not occur. Councilmember Wood noted that she would disagree because the City is using so much fund balance this year and it is prudent to reserve the taxing authority in case there were an emergency wherein it was needed. Mayor Widmyer noted that he believes we have the second highest balance in the state.

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

Mayor Widmyer complemented Susan Snedaker for being the only citizen to give comments on the budget over the past few years, and said every year she has done her homework.

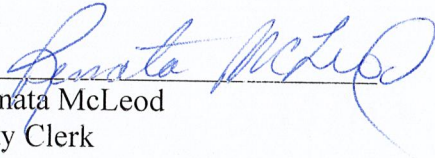
ADJOURN: Motion by McEvers, seconded by Miller, that there being no other business this meeting be adjourned. **Motion carried.**

The meeting was adjourned at 6:56 p.m.



Steve Widmyer, Mayor

ATTEST:


Renata McLeod
City Clerk