

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

September 19, 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 September 19, 2023, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

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

PRESENTATION: Safe Passage Director of Development and Communications Leslie Johnson introduced herself and Executive Director Amanda Krier. She said the mission of Safe Passage was to provide safety, education, and empowerment to victims of violence, and to the community. She said they were a non-profit agency serving North Idaho. She said Safe Passage's vision was to create a community that is free from violence. She noted their history had begun as a grass roots project which opened a Women's Rape Crisis Center in 1977, added a shelter in 1983, their Children's Counseling Center opened in 2000, the 4th Street location opened in 2005, the Women's Center was established in 2010 when they changed their name to North Idaho Violence Prevention Center. In 2012, they began their advocacy work with the Kootenai County Domestic Violence Court. She noted they received an award in 1997 for Outstanding Victim Service Agency. A few of the services provided included an emergency shelter (24/7), housing support, advocacy, prevention and outreach, children's advocacy center, hospital response for victims (24/7), supportive services (support groups and life skills classes), and resiliency services (clinical counseling which included equine therapy). She said they worked to empower by providing information on prevention. She said they make presentations to students on dating violence, provide information on green dot bystander intervention (observing and stepping in when witness to an unhealthy situation), host support groups at high schools and community organizations, make presentations and provide advocacy response at the local jail, community wide education and training, and provide outreach to private workplaces on sexual harassment prevention and response. She said October was National Domestic Violence Month and they would be holding their annual fundraiser. She mentioned they were currently working on national accreditation to grow their children's services. Additional information is available on their website at www.SafePassageID.org/About.

DISCUSSION: Mayor Hammond thanked Ms. Johnson for the presentation and the work Safe Passage was doing for the community. Councilmember Wood said she had spent many years investigating domestic violence, and other related crimes, and noted the community would be surprised at how many cases there were. She said the services provided by Safe Passages were essential and thanked Ms. Johnson for the work they do. Councilmember Wood asked if there were adequate resources in place to maintain their shelters, with Ms. Johnson responding there were.

PUBLIC COMMENTS:

Roger Smith, Coeur d'Alene, said the central downtown area had a large problem with traffic noise which needed to be addressed. He mentioned some residents and business owners had fled the area due to the traffic noise issue. He said 8th Street was a racetrack on weekends and part of the problem was light enforcement of the current noise ordinance. He said the City of Boise, Idaho, had enacted a stronger noise ordinance, had heard Coeur d'Alene was currently working on an updated ordinance, and asked Council to support the new noise ordinance once it was completed. He mentioned educational outreach, stiffer fines, and a greater police presence would be helpful.

Councilmember Wood noted she had recently attended a meeting with the Police Department on the noise issue, and there had been a fair number of citations written within the last month. She said the Police Department also deployed a Downtown Taskforce during the summer months.

ANNOUNCEMENTS: Mayor Hammond said he had been invited to attend a Board of County Commissioners meeting on Impact Fees being held on October 4, 2023, at 10:00 a.m. He mentioned he would be out of town and if any of Council would like to attend on his behalf to please contact his Executive Assistant Sherrie Badertscher for additional information.

CONSENT CALENDAR:

1. Approval of Council Minutes for the September 5, 2023, Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for the September 11, 2023, Meeting.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Approval of **Resolution No. 23-069** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: CHANGE ORDER #001 WITH LARIVIERE, INC., FOR THE C-2 SEWER LINE PROJECT IN THE AMOUNT OF \$95,467.25; AND CONTRACT WITH THORCO, INC., FOR INSTALLATION OF CONDUIT AND FIBER TO ATLAS WATERFRONT PARK IN THE AMOUNT OF \$85,793.00.

MOTION: Motion by Gookin, seconded by English, to approve the Consent Calendar as presented, including **Resolution No. 23-069**.

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

RESOLUTION NO. 23-070

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING CITY OF COEUR D'ALENE PERSONNEL RULE 26: APPOINTED OFFICERS AND DEPARTMENT HEADS, AND RULE 27: FLSA EXEMPT EMPLOYEES

STAFF REPORT: Human Resources Director Melissa Tosi said in 2004, the vacation accruals for department heads were established in a new Personnel Rule which was specific to only Department Heads. She noted the vacation accruals were extended over fifteen years before the employee would reach the maximum of twenty hours per month. She said that over the years through collective bargaining with the other employee groups, the City's negotiation team had attempted to extend the other groups' vacation accruals from reaching the current maximum of ten years to the same fifteen-year accrual, however, they had not been successful. She mentioned vacation accruals were a key recruiting tool, and for equity with other employees, the proposal was to match Department Head accruals with the rest of the City's forty-hour employees.

Ms. Tosi said for both Department Heads and FLSA exempt employees, the benefit for their Sick Leave Option 1/sick leave repurchase would remain the same. However, instead of receiving a taxed check for the benefit, the payment would be distributed directly into their HRA VEBA account. She noted employees in the Lake City Employee's Association (LCEA) also had their sick leave repurchase contributions placed into their HRA VEBA account. She said she had polled Department Heads on the item and they were unanimous with preferring the HRA VEBA payment method. Of the remaining FLSA exempt employees, 87% preferred the HRA VEBA contribution versus 13% which preferred keeping the taxed check option.

She said the proposed change to the cost-of-living increase for Department Heads and FLSA exempt employees would be based on the budget process and what was approved by Council instead of listing an actual percentage which may require a change to the Rules on an annual basis. She noted Council's policy had been to approve the same cost-of-living increase to exempt employees as negotiated with LCEA in order to keep the overall general employee pay schedule whole (pay grades 1-22). Additionally, with the new bi-weekly pay schedule, cost-of-living increases would occur at the beginning of the pay period that included October 1.

Ms. Tosi said the proposed amendments to the Personnel Rules had been discussed by the Executive Team and posted for all employees to review.

DISCUSSION: Councilmember Gookin asked who would make the Department Head COLA presentation to Council and how would the proposal be determined, with Ms. Tosi responding the COLA would follow what was negotiated for LCEA and would be included in the budget for Council's approval. Councilmember Gookin noted Department Directors accrued 6-weeks of vacation leave each year, asked how vacation leave was managed when a Director was out for 6-weeks, and was there a cap. Ms. Tosi explained it required planning, the City Administrator had

the authority to approve or deny Department Director's leave, and there was a use-it or lose-it aspect which triggered each October 1. Councilmember Wood said she agreed with aligning vacation time with other groups, however, she had concerns with a possible conflict of interest as COLAs were negotiated by the City Administrator, City Attorney, and Human Resources Director who would receive the same COLA as negotiated with the bargaining group. Ms. Tosi mentioned the Rule language on COLAs was amended to include approval by Council during the budget process which gave Council the option of adjusting it. Councilmember English said he didn't find any conflict with following LCEA's COLAs for Department Heads, and mentioned it was reasonable to have the COLAs effective during the pay period which included October 1.

MOTION: Motion by Gookin, seconded by Evans, to approve the **Resolution No. 23-070**, approving Amendments to Personnel Rule 26, Appointed Officers and Department Heads, Section 5, Benefits: Vacation Accrual and Compensation for Sick Leave, and Personnel Rule 27, FLSA Exempt Employees, Section 5, Benefits: Maximum Sick Leave Accrual and Cost of Living Increases.

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

RESOLUTION NO. 23-071

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, DECLARING THAT REAL PROPERTY OWNED BY THE CITY AND ABUTTING 355 E. NEIDER AVENUE, COEUR D'ALENE, IDAHO, IS UNDERUTILIZED AND THAT THE CITY'S FEE INTEREST IN THE PROPERTY SHOULD BE EXCHANGED FOR A PERPETUAL EASEMENT IN THE PROPERTY, TOGETHER WITH A CASH PAYMENT; SETTING THE VALUE OF THE FEE INTEREST IN THE PROPERTY AT THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00); AND SETTING A PUBLIC HEARING ON THE INTENT TO EXCHANGE REAL PROPERTY

STAFF REPORT: City Attorney Randy Adams said there was a small area, roughly triangular in shape, lying between the two entrances to the Costco Wholesale Corporation (Costco) parking lot on E. Neider Avenue. He said it was owned by the City, having been platted with the Carlsen Tracts in September 2003. He mentioned the property was used solely as a swale to collect stormwater from E. Neider Avenue and the Costco lot. He said Costco used the swale pursuant to a lease agreement with the City which was entered into on September 19, 2003, and had a term of twenty (20) years. He mentioned the parties originally contemplated an eventual exchange of property so that Costco would own the area. However, an exchange of real property for real property could not be accomplished because Costco could not obtain acceptable property to exchange. He said in 2022, Costco approached the City about acquiring ownership of the area as the lease was due to expire in September 2023. The City determined that Costco's acquisition of the area would assist it in the acquisition of the real property needed for the Police Department expansion. An appraisal was obtained by Costco in January 2023, and determined the value of the area to be \$30,000.00. He explained that pursuant to Idaho Code § 50-1402, when a city desires to exchange real property, Council must first declare the value or minimum price it intends to receive. He mentioned the City would maintain a perpetual easement for the stormwater swale on the property. He noted an appraisal was not required, yet one had been obtained. He requested the Council declare the value or minimum price on the record, and that the City Clerk publish a

summary of the action taken by Council and set a public hearing at least 14-days later. He noted that after the public hearing, Council may then exchange the property.

DISCUSSION: Councilmember English noted the active use was for stormwater drainage. Councilmember Evans asked the amount of the current lease, with Mr. Tymesen responding \$300 per year. Councilmember Evans asked if there was there an opportunity to generate a new lease with increased revenue, with Mr. Adams responding they had not had that discussion. Councilmember Miller asked if once the land was sold would the \$30,000 go into the City's General Fund or Utility Fund, with Mr. Tymesen responding it would go into the General Fund. Councilmember Wood asked if after the transfer Costco decided on a different use for the property would it come back to the Council, with Mr. Adams responding any use change would require Council approval.

MOTION: Motion by Gookin, seconded by English, to approve the **Resolution No. 23-071**, declaring that \$30,000.00 is the value of real property owned by the City for purposes of an exchange with Costco Wholesale Corporation and set a public hearing for October 17, 2023.

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

RESOLUTION NO. 23-072

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE DONATION TO THE CITY'S PUBLIC ART COLLECTION OF THE FOLLOWING ARTWORK: "UNRESTRAINED FORCE" BY BREEZY ANDERSON

STAFF REPORT: City Accountant Stephanie Padilla said the Arts Commission had recently been approached regarding the donation of a public art piece entitled "**Unrestrained Force**," which was a 90"x36"x36" mild steel statue by artist Breezy Anderson, valued at \$14,000. She said the Arts Commission reviewed the proposed donation and recommended that it be accepted into the City of Coeur d'Alene's public art collection. She mentioned there was no cost to the City other than routine maintenance.

DISCUSSION: Councilmember Gookin said there had been issues brought to Council with public art in the past, and asked if there had been any complaints on the current art piece, with Ms. Padilla responding there had been one member of the public who had voiced concerns over two years ago and that the City had not received any complaints in the two-years the piece had been on display as part of the ArtCurrents program. Councilmember Gookin asked if it could be placed outside of the downtown area, with Ms. Padilla responding it could be placed anywhere in the City. Councilmember English noted the Midtown area may be an option. Councilmember Wood noted it was a nice gift from the artist and asked what the process was of offering a thank you, with Ms. Padilla responding there would be correspondence with the artist which included a thank you. Councilmember Wood noted Council would like to sign the thank you as well.

MOTION: Motion by English, seconded by Miller, to approve the **Resolution No. 23-072**, approving the donation of an art piece entitled "Unrestrained Force" by artist Breezy Anderson to the City of Coeur d'Alene's public art collection.

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

LEGISLATIVE – FISCAL YEAR 2022-2023 ANNUAL APPROPRIATIONS ORDINANCE AMENDMENT FOR FISCAL YEAR BEGINNING OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2023

STAFF REPORT: City Accountant Stephanie Padilla said that Council amends the original appropriations ordinance annually for unanticipated expenditures. She noted the current amendment was for the Fiscal Year 2022-23 Budget in the amount of \$6,565,144.00. She explained that Idaho code allowed the City to amend the appropriations ordinance at any time during the fiscal year to reflect the receipt of revenues and/or the expenditure of funds that were unanticipated when the ordinance was adopted. She noted the amendment showed increases in expenditures due to carryovers of projects, State and Federal grants received, additional funding received from Kootenai County Emergency Medical Services System (KCEMSS) and miscellaneous additional items. She said additional funds to cover the increased expenses in the General Fund consisted of \$186,699.00 of unanticipated revenues, \$303,851.00 transferred from Impact Fees, and \$3,060,197.00 from designated Fund Balance. She noted the majority of the designated Fund Balance amendment was for the Police Department Headquarters Expansion Project’s land purchase, overlay funds carried over from the previous fiscal year, highway user funds, and a carryover for the purchase of a dump truck in the Streets Department. She noted \$30,000 was used to pay for vandalism throughout the City’s parks.

Mayor Hammond opened the public testimony portion of the hearing and hearing none, closed public testimony.

COUNCIL BILL NO. 23-1009

AN ORDINANCE AMENDING ORDINANCE 3707, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, APPROPRIATING THE SUM OF ~~\$123,852,624~~ \$130,417,768, WHICH SUM INCLUDES ADDITIONAL MONIES RECEIVED BY THE CITY OF COEUR D’ALENE IN THE SUM OF \$6,565,144; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE 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 Section 1 of Ordinance 3707, Ordinance of the City of Coeur d’Alene, be and the same is hereby amended to read as follows:

That the sum of ~~\$123,852,624~~ \$130,417,768, 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, 2022.

Section 2

That Section 2 of Ordinance 3707; Ordinances of the City of Coeur d'Alene be and the same is hereby amended to read as follows:

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

	FY 2022-23 BUDGET	FY 2022-23 AMENDED BUDGET
GENERAL FUND EXPENDITURES:		
Mayor and Council	\$259,163	\$259,163
Administration	320,486	320,486
Finance Department	1,398,397	1,398,397
Municipal Services	3,000,885	3,039,035
Human Resources	452,421	452,421
Legal Department	1,361,438	1,361,438
Planning Department	759,266	769,266
Building Maintenance	694,637	694,637
Police Department	22,112,121	23,435,421
Fire Department	13,325,161	13,660,161

General Government	626,300	1,981,300
Streets and Engineering	7,858,838	8,301,735
Parks Department	3,041,376	3,071,376
Recreation Department	815,215	815,215
Building Inspection	1,123,236	1,139,636
TOTAL GENERAL FUND EXPENDITURES:	<u>\$57,148,940</u>	<u>\$60,699,687</u>

	FY 2022-23 BUDGET	FY 2022-23 AMENDED BUDGET
SPECIAL REVENUE FUND EXPENDITURES:		
Library Fund	\$1,948,445	\$1,998,445
Community Development Block Grant	780,243	780,243
Impact Fee Fund	554,446	858,297
Parks Capital Improvements	463,614	1,163,614
Annexation Fee Fund	355,000	355,000
Cemetery Fund	363,711	363,711
Cemetery Perpetual Care Fund	86,000	86,000
Jewett House	139,700	230,710
Reforestation/Street Trees/Community Canopy	120,000	120,000
Public Art Funds	468,500	468,500
TOTAL SPECIAL FUNDS:	<u>\$5,279,659</u>	<u>\$6,424,520</u>

ENTERPRISE FUND EXPENDITURES:		
Street Lighting Fund	\$760,130	\$760,130
Water Fund	14,326,675	14,326,675
Wastewater Fund	23,738,871	23,919,407
Wastewater Property Management		30,000
Water Cap Fee Fund	3,850,000	3,850,000
WWTP Cap Fees Fund	2,777,660	2,777,660
Sanitation Fund	5,520,365	5,520,365
City Parking Fund	1,864,965	1,864,965
Drainage	2,504,858	2,504,858
TOTAL ENTERPRISE EXPENDITURES:	<u>\$55,343,524</u>	<u>\$55,554,060</u>

FIDUCIARY FUNDS:	\$3,492,454	\$3,492,454
CAPITAL PROJECTS FUNDS:	1,707,964	3,366,964
DEBT SERVICE FUNDS:	880,083	880,083
GRAND TOTAL OF ALL EXPENDITURES:	<u>\$123,852,624</u>	<u>\$130,417,768</u>

Section 3

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4

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 Miller, seconded by Evans, to dispense with the rule and read **Council Bill No. 23-1009** once by title only.

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

MOTION: Motion by Miller, seconded by Evans, to adopt **Council Bill 23-1009**.

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

(LEGISLATIVE) V-23-01 – VACATION OF A PORTION OF N. 4TH STREET RIGHT-OF-WAY ADJOINING THE WESTERLY BOUNDARY OF LOTS 15-16, BLOCK 44 OF THE AMENDED PLAT OF SIMMS ADDITION TO THE CITY OF COEUR D'ALENE

STAFF REPORT: Engineering Project Manager Dennis Grant said the applicant, George Lawrence IV, on behalf of property owner John Esco, requested the vacation of a portion of N. 4th Street right-of-way that adjoins the westerly boundary of the property on the southeast corner of 4th Street and Locust Avenue (1830 N. 4th Street). He said the right-of-way was originally dedicated to the City of Coeur d'Alene (City) in the Amended Plat of Simms Addition in 1905. He said the vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 1090 square feet to the Kootenai County tax roll. Although a minor amount, it would be a benefit to the municipality as tax revenue, and to the land owner whose lot adjoins the strip of usable property. He mentioned the request was to vacate a 10' foot strip of 4th Street right-of-way that adjoins the westerly boundary of the abutting property. He said 4th Street was developed to its ultimate width in the location and the additional right-of-way could be incorporated into the development of the adjoining property. In addition, the right-of-way width to the north of the property was narrower, preventing future widening without acquisition of additional right-of-way. The right-of-way to the south of the proposed vacation, on the existing block, was vacated in November of 2020. All utilities were existing and in place, and there was no foreseeable use for the additional right-of-way. He said the Development Review Team was informed about the vacation and he had sent out 38 notices and received one response back which was in favor of the vacation. He requested the Council approve the vacation action per Idaho Code Section 50-1306, and vacate the property to the applicant, George Lawrence IV on behalf of the property owner John Esco.

Mayor Hammond opened the public testimony portion of the hearing and hearing none, closed public testimony.

DISCUSSION: Councilmember Gookin asked if the vacated property involved the sidewalk, with Mr. Grant responding it did not.

COUNCIL BILL NO. 23-1010

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF THE N. 4TH STREET RIGHT-OF-WAY IN THE AMENDED PLAT OF SIMMS ADDITION, RECORDED IN BOOK B OF PLATS ON PAGE 57 RECORDED AS PLAT NUMBER 57, RECORDS OF KOOTENAI COUNTY, COEUR D'ALENE, IDAHO, GENERALLY DESCRIBED AS THAT TEN FOOT (10') STRIP ADJOINING THE WESTERLY BOUNDARY OF LOTS 15-16, BLOCK 44 OF SAID PLAT COMMONLY KNOWN AS 1830 N. 4TH STREET; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF

MOTION: Motion by Wood, seconded by Miller, to dispense with the rule and read **Council Bill No. 23-1010** once by title only.

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

MOTION: Motion by Wood, seconded by Miller, to adopt **Council Bill No. 23-1010**.

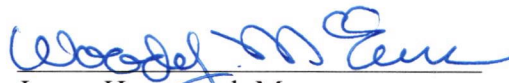
ROLL CALL: Miller Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye. **Motion carried.**

RECESS: Motion by Miller, seconded by Evans, to Recess to September 25, 2023, at 12:00 Noon in the Library Community Room, Located at 702 E. Front Avenue for a Joint City Council and Planning Commission Workshop Regarding Impact Fees. **Motion carried.**

The meeting adjourned at 7:04 p.m.

ATTEST:


Sherrie L. Badertscher
Executive Assistant


James Hammond, Mayor
MAYOR PRO TEM